BYRON C. KNAPP.

Mr. CARMACK. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 7433) granting an increase of pension to Byron C. Knapp, to report it without amendment; and I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Byron C. Knapp, late of Company B, Second Battalion, Sixteenth Regiment United States Infantry, and to pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. LAWSON.

Mr. BATE. I ask unanimous consent of the Senate to consider a case on the Calendar which has been passed over. The Post-Office Department and the committee are interested in it. It is a little matter of a mail carrier. It is the bill (H. R. 7864) to pay John F. Lawson $237.96, balance due him for services as United States mail carrier. It has passed the House, it is recommended by the committee, and I ask permission to have it disposed of at this time.

Mr. GALLINGER. It was rather understood that no general business would be done this afternoon, but I will not object to this bill.

Mr. BATE. I watched, sir, and that was not understood. I should not have presented the request if it had been, although I am obliged to the Senator from New Hampshire.

Mr. GALLINGER. Several Senators consulted me about it.

Mr. KEAN. No one objects to this bill.

Mr. TELLER. I do not want to object to this bill, but I will object to any business unless——

The PRESIDING OFFICER (Mr. CULLOM in the chair). Is there objection to the consideration of the bill indicated by the Senator from Tennessee?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FOREST LIEU SELECTIONS.

Mr. HANSBROUGH. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. 15985) to confirm certain forest lieu selections made under the act approved June 4, 1897, to report it without amendment. In view of the fact that both the House and the Senate have passed similar bills, and that there is a typographical error in the Senate bill, I ask that this bill may now be considered. It is a short bill. The word "lien" should be changed to the word "lieu." It refers to "lieu" land and not "lien" land.

The PRESIDING OFFICER. The Chair understands that the bill as now printed is as it is desired to be.

Mr. HANSBROUGH. The House bill is the correct one.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HANSBROUGH. I desire to ask that the House be requested to return to the Senate its bill on this subject, with a view to its indefinite postponement when received.

The PRESIDING OFFICER. It will be so ordered, if no objection is made. The Chair hears none.

PURE-FOOD LEGISLATION.

Mr. MCCUMBER. I wish at this time to ask unanimous consent that immediately after the routine morning business to-morrow the pending business be laid aside and the Senate proceed during the morning hour to the consideration of the bill (S. 3109) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes.

Mr. GALLINGER. Mr. President, there are so few Senators present that I think unanimous consent ought not to be given to the request of the Senator; and I must object.

Mr. TELLER (to Mr. MCCUMBER). Give notice that you will ask unanimous consent.

Mr. MCCUMBER. Mr. President, I desire to call the Senator's attention to one fact. Then I will give notice. This bill was put on the Calendar on the 2d day of April, 1902, and because of one objection after another it has been impossible to bring it up and have it heard at any time. I can now see no possible way to get consideration for it, and yet I do not believe there is any bill in which the public is more interested than this particular bill. I refer to the public in general, wholesalers and retailers, and the business men of the country.

It seems to me we ought to have, in the course of two years, one hour or two hours in which to consider a bill that has been the first one on the Calendar during all the length of time I have stated, and it seems to me there ought not to be specious objection.

All I desire is to have an honest hearing for the bill. If the Senate does not want to pass the bill, all it has to do is to vote against it. But it does seem to me that the time has come when I have a right to insist as a matter of courtesy and as a matter of justice to the bill that it have the consideration of the Senate.

Mr. GALLINGER. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. MCCUMBER. I move that the Senate adjourn.

Mr. KEAN. I trust the Senator from North Dakota will not insist on his motion. There are a large number of post-office nominations which ought to be referred, and it is late in the session.

Mr. COCKRELL (to Mr. MCCUMBER). Make your request in the morning hour when there is a full attendance.

Mr. MCCUMBER. I will meet with the same objection in the morning hour as at any other time. I should like to get the bill to a vote at some time.

The PRESIDING OFFICER. Does the Senator from North Dakota insist upon his motion that the Senate adjourn?

Mr. MCCUMBER. I insist upon the motion. If the Senators want to vote it down they can do so.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Dakota, that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 26, 1903, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 25, 1903.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

LOUISIANA PURCHASE EXPOSITION.

The SPEAKER laid before the House House concurrent resolution No. 92, in relation to the invitation extended to Congress by the National Commission of the Louisiana Purchase Exposition and by the Louisiana Exposition Purchase Company, with Senate amendments, which were read.

Mr. TAWNEY. I move concurrence in the amendments of the Senate.

The motion was agreed to.

Mr. STEELE. I desire to call up a privileged bill.

CONFERENCE REPORTS.

Mr. LOUDENSLAGER. Mr. Speaker, I desire to present for the purpose of printing in the RECORD two conference reports and statements.

The SPEAKER. They will be printed in the RECORD, under the rule.

FRANCIS A. TRADEWELL.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 16161, "An act granting an increase of pension to Francis A. Tradewell," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to an amendment as follows:

In lieu of the sum proposed by the Senate insert "sixteen;" and the Senate agree to the same.

H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
Managers on the part of the House.

P. J. MCCUMBER,
J. C. PRITCHARD,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

This bill originally passed the House at $12 per month, but was amended in the Senate to $20 per month. The result of the conference is that the Senate recedes from its amendment at $20 per month and the conferees have agreed to a rating of $16 per month, and your conferees recommend that the bill pass at $16 per month, in accordance with said agreement.

H. C. LOUDENSLAGER.
WILLIAM RICHARDSON.

JOEL C. SHEPHERD.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5835) "An act granting an increase of pension to Joel C. Shepherd," having met, after full and free conference

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
Managers on the part of the House.
J. H. GALLINGER,
E. W. CARMACK,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

This bill originally passed the Senate at $20 per month, but was amended in the House to $16 per month. The result of the conference is that the Senate agrees to the House amendment, and your conferees recommend that the bill pass at $16 per month, as it originally passed the House.

H. C. LOUDENSLAGER.
WILLIAM RICHARDSON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 16567. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1904; and

H. R. 16161. An act granting an increase of pension to Francis A. Tradewell.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the amendment of the Senate to the bill (H. R. 15520) to establish a standard of value and to provide for a coinage system in the Philippine Islands.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 17088. An act to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk for said court, and for other purposes.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. R. 159. Joint resolution granting to the New York and Jersey Railroad Company the right to construct and operate an underground railway under land owned by the United States in the city of New York.

RETURN OF BILL TO THE SENATE.

The SPEAKER laid before the House the following order of the Senate:

Ordered, That the Secretary be directed to return to the House of Representatives the enrolled bill (S. 5718) providing for the sale of sites for manufacturing or individual plants in the Indian Territory, with the request that the House of Representatives vacate the action of the Speaker in signing the said enrolled bill, and return the same, and the message of the Senate agreeing to the amendment of the House to said bill, to the Senate.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution I send to the desk.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Ordered, That the Speaker be, and he hereby is, empowered and directed to strike his signature from the said enrolled bill (S. 5718), and that the message of the Senate on said bill to the House be returned to the Senate, in accordance with the request of the Senate.

The SPEAKER. Is there objection?

Mr. HEPBURN. Mr. Speaker, I would like to have some explanation as to why this action is to be taken. It reverses the order of the House; is a new way, it seems to me, of reconsidering a proposition.

Mr. DALZELL. I can only say to the gentleman that it has heretofore been customary to comply with requests of the Senate of a character such as this.

Mr. HEPBURN. What is the parliamentary situation? We have passed a Senate bill, have we not, and the Speaker of the House approved of it, and now this action reverses it here.

Mr. DALZELL. This action puts it in the situation it was in before the Speaker signed it.

Mr. HEPBURN. Does it not do more than that?

Mr. LACEY. Just a word in explanation, which I think will satisfy the gentleman. We have passed another bill in relation to the recording of instruments in the Indian Territory with which a portion of this bill, which has not become law, would conflict.

It is too late to reconsider it, but by unanimous consent that portion of the bill which conflicts with the other bill that passed both Houses could be eliminated and thus prevent sending two bills to the President in direct conflict. It is a conflict of that kind that can only be avoided by making this arrangement with the Senate.

The SPEAKER. Without objection, the order will be agreed to. [After a pause.] The Chair hears none.

RESIGNATION OF MR. KLEBERG AS A CONFEREE.

The SPEAKER laid before the House the following resignation:

The Clerk read as follows:

To the Speaker, House of Representatives:

SIR: I hereby resign my position as conferee on conference committee on H. R. 12098, an act to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the district of Alaska."

RUDOLPH KLEBERG.

The SPEAKER appointed as a conferee in place of Mr. KLEBERG Mr. GRIFFITH.

UNION STATION BILL.

Mr. BABCOCK. Mr. Speaker, I desire to call up conference report on the bill S. 4825, to provide for a union railroad station in the District of Columbia, and for other purposes.

The Clerk read the following conference report and statement:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, having met, and after full and free conference have been unable to reach an agreement.

J. W. BABCOCK,
SYDNEY E. MUDD,
A. C. LATIMER,
Managers on the part of the House.
J. H. GALLINGER,
W. P. DILLINGHAM,
THOMAS S. MARTIN,
Managers on the part of the Senate.

STATEMENT.

The only amendments to the bill not disposed of are amendments numbered 39 and 41, decreasing the amount to be paid to the Philadelphia, Baltimore and Washington Railroad from $1,500,000, as proposed by the Senate, to $1,000,000, as proposed by the House, and also so much of amendment numbered 57 as relates to decreasing the amount to be paid to the Baltimore and Ohio Railroad from $1,500,000, as proposed in the legislation of February 12, 1901, to $1,000,000, as proposed by the House.

Mr. BABCOCK. Mr. Speaker, I move that the House further insist on its disagreement to the Senate bill. I want to say, Mr. Speaker, for the benefit of those that possibly do not fully understand the situation, that the conference committees of the two Houses have been unable to agree. I will say that under the present law for the elevation of the tracks and the elimination of grade crossings, each road was to receive $1,500,000. This amount was supposed to be one-half of the cost of the elevation of the tracks, and not any part of the cost of construction of the depots, freight yards, coach yards, or other necessary matters for railroad facilities. The House committee was opposed to the location at Massachusetts avenue. They did not believe it was for the interest of the public, or for the interest of the District, that the station should be located at Massachusetts avenue. They favored the C street site. The Massachusetts avenue site cost the General Government and the District $1,600,000 more than the C street site.

A proposition was made in the committee that this amount of $1,600,000 be divided; that is, the District and the Government should bear $600,000, and each railroad company bear $500,000; or, in other words, cut down the appropriation to the railroad $1,000,000. The railroad companies insisted on the Massachusetts avenue site, and stated, after submitting the plans for the C street site, that they would not construct a depot at C street unless they were obliged to do so by law.

There are several reasons why the Massachusetts avenue site is desirable from a railroad standpoint. In the first place, it cuts the elevation down one-half. The elevation under the present law and under the proposed C street site is the same. The Massachusetts avenue site is some 10 feet lower, and instead of an elevation that permits the streets to pass under the railroad track, the streets will have to be depressed from 8 to 15 feet to pass under the elevations as proposed by the Massachusetts avenue site.

By the selection of the Massachusetts avenue site one-half of the elevation was saved. It moved back the depot two blocks and saved not only the cost of that construction, but also the use of the two blocks of very valuable land, worth six or seven hundred thousand dollars. So, from a financial standpoint, the Massachusetts avenue site was a desirable site for the railroad company.

But, Mr. Speaker, that site cost the District $1,600,000 more than the other site, as it requires a great fill of 34 feet and 5 inches where the depot is located. Now, your committee believe that their action was just, and it was the unanimous report of the committee, and I believe, Mr. Speaker, that it should be entirely satisfactory to all concerned; and when you vote on this proposition, remember that you are voting to put this additional burden of $1,600,000 upon the District and the General Government; and therefore I ask and move that the House insist upon its disagreement. I reserve the balance of my time.

The SPEAKER. The gentleman reserves the balance of his time. The Chair should first state, however, the motion that the gentleman has made, and his motion is to insist on the amendments of the House.

Mr. MORRELL. Mr. Speaker, I move that the House recede from the amendments numbered 39 and 41, and so much of amendment 57 as has not been agreed upon in conference. Now, Mr. Speaker, we went very thoroughly into the argument why this should be done the last time this bill was before the House. In the course of his remarks the distinguished gentleman from Illinois [Mr. CANNON] wound up with the dramatic exhortation, "Choose ye, then, this day whom ye will serve," and my motion was voted down.

That may have been, Mr. Speaker, for two reasons. It may have been because some members of the House imagined that I had suddenly sprung into being as a candidate for the Speakership, and that having already pledged themselves to the gentleman from Illinois, they did not, under the circumstances, feel that they could do otherwise than support his motion. [Laughter.] I appreciate the honor so gracefully thrust upon me by the gentleman from Illinois, but beg to assure the members of the House that I have no such aspirations. [Laughter.]

I feel sure, Mr. Speaker, that if the gentleman from Illinois would consider this matter for a moment with the same calm, judicial spirit which we are all of us so confident he will maintain when he occupies the chair of the Speaker; if he would consider it in the same manly, generous manner that he does his private relations, he would not advocate having once made a bargain with a friend, and then having requested that friend to spend more money and give him something better than the original bargain called for, turn around and want to take away a part of what he agreed originally to give him for what was being given in return.

Now, Mr. Speaker, it may have been for another reason that the motion I made was defeated. It may have been owing to certain inferences that could have been drawn from the remarks made by two of the conferees. The distinguished gentleman from Illinois [Mr. CANNON] asked this question:

Mr. CANNON. I ask my friend's judgment. If the House stands firm, if this legislation is enacted with the House amendment on it, will it become a law and will it not be accepted gladly by the railroads? I want the gentleman's judgment on it.

The chairman of the conferees on the part of the House answered:

There is no question about that proposition.

One other of the conferees made this statement:

I undertake to say that in twenty minutes, yes, in five minutes, after this message goes back to conference, if it shall go, we can get an agreement, if the House conferees shall be willing to do so, by which at least $500,000 would be saved, as against the proposition now made by a member of the District Committee, my colleague from Pennsylvania [Mr. MORRELL].

Further on he says:

I think I may say I know that we can get an agreement forthwith on a million and a quarter to each railroad. I say further that I think it is quite likely that we can secure the adoption of the House proposition.

That statement may have misled some members of the House, and certainly placed me in an awkward position. The distinguished chairman of the conferees on the part of the Senate made this statement the following day on the floor of the Senate:

Mr. President, I want to make a single observation. The conferees on this bill have agreed as to all matters in dispute, except the one item of a proposed reduction on the part of the other House of the amount of money to be contributed by the Government and the District of Columbia to these two railroads. That matter is still in dispute.

I have supposed, Mr. President, that it was not the proper thing, in presenting a conference report, to state the action of the conferees when they were considering a matter of this kind, but inasmuch as certain statements were made on yesterday in another place, to the effect that if this matter went back to conference again there would be no difficulty in securing a recession by the conferees on the part of the Senate, I desire to put myself on record as saying that the conferees on the part of the Senate have never said anything or suggested anything which would warrant that statement. The matter goes back to conference with that point of disagreement absolutely open for further consideration.

Mr. Speaker, a statement was also made by a distinguished menber of the District of Columbia Committee in regard to the railroads being willing to accept the million dollars. The gentleman from Missouri [Mr. COWHERD] in the course of his remarks made this statement:

I want to say here and now that in my humble judgment the railroad companies will be glad to accept the magnificent contribution that was made in the bill as it passed the House.

The president of the Baltimore and Ohio Railroad Company, Mr. Loree, in a letter dated January 21, 1903, winds up with this statement:

Fully convinced of the absolute justice of my position, and because of my responsibility to the company in accepting the Senate bill after sufficient legislation (which gave the company the $1,500,000) had been secured, I feel obliged to urge either that the Senate provision be restored or that the Baltimore and Ohio be permitted to proceed under the act of February 12, 1901.

Very respectfully,

L. F. LOREE, *President.*

The president of the Pennsylvania Railroad Company, in a letter bearing the same date, was not quite so positive in his statement. So I took pains to address him a communication on that point, and his reply was as follows, under date of February 17, 1903:

MY DEAR SIR: In reply to your inquiry I beg to say that the Pennsylvania Railroad Company would not be satisfied to accept less than the $1,500,000 appropriated in the terminal bill as it passed the Senate, as we consider, in view of the great expense that will be entailed upon our company in making the change from our present site to the proposed union station, that we are entitled to the full amount, the reasons for which are fully set forth in my letter to the chairmen of the conference committees of the Senate and House under date of January 20 last.

Yours, very truly,

A. J. CASSATT, *President.*

Now, Mr. Speaker, we know the exact status of this conference report. When this report was up before, I went very carefully into the reasons why this appropriation, which had been originally given and which had been voted for in the original bill by the gentlemen who compose the conferees to-day, should not be taken away.

I am of the same opinion as I was when that conference report came up the last time, and I think, moreover, that these two railroad companies are possessed of an equity that can be enforced under the bills which were passed February 12, 1901, unless a bill is passed embracing an amicable arrangement. I trust, therefore, that when a vote shall be taken on my proposition to recede, due consideration will be given to the question as to what is just and fair. When we reach a vote, I shall call for the yeas and nays. I reserve the balance of my time.

Mr. BABCOCK. I yield to the gentleman from Maryland [Mr. MUDD].

The SPEAKER. How much time?

Mr. BABCOCK. Five minutes.

Mr. MUDD. Mr. Speaker, it would be proper——

Mr. CANNON. Mr. Speaker, I must raise the question of order. I can not hear the gentleman who is addressing the House.

Mr. MUDD. I can not hear myself.

Mr. CANNON. I ask that the House be in order.

The SPEAKER. The Chair has twice within the last few days appealed to members to aid in maintaining order. He will make no more appeals of that kind, but will insist, whenever necessary, that all business be suspended till the House is in order, and after order has been restored business will be again suspended whenever necessary. Every member should appreciate the right of every other member to hear what is going on in the way of business before the House and should help in securing that result.

Mr. MUDD. Mr. Speaker, it would appear from the remarks just made by the gentleman from Pennsylvania [Mr. MORRELL] that my reputation as a prophet from his point of view has been somewhat impaired. I am frank to say that on the 9th day of this month, when this conference report was before the House the last time, I gave utterance to a rather sanguine expression of belief that the conferees would be able to agree at least upon a compromise proposition in case this matter was sent back to conference. The gentleman from Pennsylvania has called the attention of the House to the fact that on the next day, in another body, and he has said it was in the Senate of the United States, a statement was made, not intended, I apprehend, but which he seems to think and some others seem to think may have been properly construed, as a denial of the existence of any fact upon which I had the right to base that expression of opinion.

The gentleman from Pennsylvania has felt himself called upon to say that he thinks that perhaps the House was somewhat misled by that statement upon my part. Because of that, Mr. Speaker, in fairness to myself, and in frankness to this House, I think it is due that I should say, as I do now say, that that expression of judgment made by me to this House was predicated on a motion made and a roll call taken by the conferees, a memorandum of which, made cotemporaneously with the vote, will be found to-day in the committee room of the District of Columbia of the United States Senate. So, Mr. Speaker, if I was in error in my prophecy; if it was not to be relied upon, it is because my comparative inexperience in legislative bodies led me to think that a vote of one day was a pretty fair index of what a vote would be upon the same proposition on another day under conditions that seemed to me to be unchanged.

Mr. GROSVENOR. Mr. Speaker——

The SPEAKER. The gentleman from Maryland will be in order.

Mr. GROSVENOR. I understand the gentleman from Maryland to say now that he was mistaken.

The SPEAKER. The gentleman from Ohio will suspend. The Chair must caution the gentleman from Maryland and other gentlemen that it will not do to be referring to the proceedings of the coordinate branch of Congress.

Mr. GROSVENOR. What I desired to ask the gentleman was this: If there was a vote taken to concur or agree, why was not the report made on that vote?

Mr. MUDD. If I may be allowed to answer that I will say that the House conferees at that time conceived that they were practically acting under instructions, because of the vote, unanimous as we understood it, of the House up to that time on the proposition of what contribution the Government should make to these two railroads.

Now, Mr. Speaker, I understand and appreciate the admonition of the Chair. I have not desired to state anything that took place in conference, and I have not made a very full statement or a too specific statement as it is. I have gone about as far as I apprehend I can go. I could not have said less in justice to myself under the circumstances. I do not wish to be misunderstood, and I do not intend to be misrepresented. I would not have stated that much in reference to the proceedings of the conference but for the remarks made by the gentleman from Pennsylvania [Mr. MORRELL], which I do not complain of, however, provided I have the opportunity to answer and explain my own position. I merely want to put myself right before this House. I did not undertake to mislead the House. I stated what I had a right to say and a right to believe at the time I made the statement, and when a declaration is made in another body and quoted here, which gentlemen here and elsewhere might consider as a denial of the existence of the facts upon which my judgment was based, I think the House will be inclined to indulge me in saying as much as I have said this morning, notwithstanding the custom or courtesy of silence as to the proceedings before committees in ordinary cases.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Missouri [Mr. COWHERD].

The SPEAKER. How much time?

Mr. BABCOCK. I think the gentleman desires ten minutes.

The SPEAKER. The gentleman from Missouri is recognized for ten minutes.

Mr. COWHERD. Mr. Speaker, I was somewhat interested in the statement of the gentleman from Pennsylvania [Mr. MORRELL], and especially in that portion of the gentleman's statement where he read a letter from the president of the Pennsylvania Railroad Company saying that they would not be satisfied with the million-dollar contribution. He should have added, provided, of course, they could get a million and a half. I do not suppose there is anybody in the world receiving a gift, charitable or otherwise, of a million dollars who would be satisfied if a million and a half was suspended before him and he was told he could get the million and a half if he did not accept the million.

Now, Mr. Speaker, I submit again to this House that the history of legislation, both national, State, and municipal, can be searched from the beginning of history to this time, and you can not find anywhere where any city has been as liberal to great railroads entering its borders as we propose to be to these two railroads in the pending bill as it passed the House. And I want to call the attention of this House again to some figures submitted when this matter was last before us; and I do it because a gentleman representing one of these railroad companies has sent out this morning a letter, which I suppose all the members received, criticising and challenging the figures I then gave.

I said then that we had given to these two railroad companies, in addition to the $2,000,000 in money, in addition to the $1,770,000 we propose to expend in putting a magnificent plaza before their depot and maintaining it forever, in addition to the $1,000,000 we propose to expend in building a new bridge in order to relieve the Pennsylvania Railroad Company from the obligations that it assumed when we gave it a bridge before (an obligation to maintain it forever as a highway bridge), in addition to all this, I said, we gave them here in public spaces and streets, free, the terminals for their entire system, excepting what the Baltimore and Ohio buys for its freight yards in Eckington, and I made the statement then that we gave to the Baltimore and Ohio, in land belonging to the public, $1,464,286, and to the Pennsylvania, $1,792,498. Now, those figures have been challenged, and I propose to put in the RECORD a letter over the signature of Maj. John Biddle, Engineer Commissioner of the District of Columbia, in which he states that those figures are correct:

OFFICE OF THE ENGINEER COMMISSIONER
OF THE DISTRICT OF COLUMBIA,
Washington, February 24, 1903.

Hon. WILLIAM S. COWHERD,
House of Representatives.

DEAR SIR: In response to your oral request to Capt. H. C. Newcomer, Corps of Engineers, assistant to the Engineer Commissioner, I have the honor to inform you that the estimate made by this office of the value of public space now occupied by the Baltimore and Ohio and Baltimore and Potomac railroad companies, and also the amount which will be occupied by them under the bill now pending providing for a union station, is as follows:

Baltimore and Ohio Railroad Company:	
Present occupation	$602,135
Total occupation under pending bill	1,464,280
Baltimore and Potomac Railroad Company:	
Present occupation	971,912
Total occupation under pending bill	1,792,498

Details of these figures are found in the report of hearings of the House Committee on the District of Columbia on June 14, 1902, on Senate bill 4825, page 66. The occupation under the pending bill is obtained by adding to the present occupation the additional land that is occupied by the railroad companies and subtracting therefrom such land as is restored to public use.

Very respectfully,

JOHN BIDDLE,
Major, Corps of Engineers, United States Army,
Engineer Commissioner, District of Columbia.

It will be noted that in making this computation the Commissioners took the total value of the land belonging to the public, mind you, that the railroads now occupy. They added to that the value of the land that is given in addition in this bill, and they subtracted from it every foot of public space that the railroads surrender up. So I want you to remember that this $2,000,000 gift is a small part of the contribution we are making. We are making a gift of not only $2,000,000 in money, but we are making a gift of $3,256,778 in land. We are making a gift of $1,770,000 in expenses to be borne by the Government and the District, and a gift of $1,000,000 more in the building of a new bridge. Our total contribution to the elevation of these two tracks is over $8,000,000 in money and in land and expenses that the Government and the District are to bear. I challenge you to find anywhere in any town council similar generosity to any favored railroad.

Gentlemen refer to the one city of Philadelphia, where they say the contribution was 50 per cent of the cost of the elevation. I want to say here, and I say it in all kindness, that every man knows if he were going to take a model for municipal government the last city on earth he would take would be the city of Philadelphia. I hold here the report made at the meeting of the railroad commissioners of all the States, held in San Francisco, Cal., in 1901, and I state that according to that report 35 per cent is the average cost of the contribution where municipalities and States give anything, and in most of the States and cities they give nothing; but here, as I showed on the last occasion when this matter was up for debate, the total expense to the railroads, excepting the cost of the station, is only $7,000,000, when you count out our contribution in cash under the House bill; and our expenses $8,000,000. So we pay not 50 per cent, but more than 50 per cent, of the total cost, tunnel and all, when you take out the cost of the depot.

Now, Mr. Speaker, I want to say in frankness to this House that I do not blame the gentlemen from the great State of Pennsylvania for their attempt to get all they can for the benefit of that great road which runs through their State. I have been told, and I believe it be true, that that road is looked upon so highly in that State, as so intimately associated with the government and control of the State, that the citizens feel that anything which is given to the road is given to the State, and we all know that our States are willing to forgive us for any raid on the Treasury if the result of it comes home; but I want to call the attention of the men on this floor from the other 44 States of the Union to this fact, I want to say to you to-day that if you give this extra million, then $750,000 of it is going to come out of the pockets of your people. Not only that, but of the three millions to be given if this motion carries I want you to remember that out the pockets of your constituents you are voting $2,225,000 into the coffers of these great railroads.

I say here and now, there is not a man on this floor, if he were at home sitting as a member of the municipal council in his own city, who would dare to go on record with such a vote, and I want to say further that while the matters which occur here in the District of Columbia frequently receive little attention at home, yet the time is coming when the question of the appropriation of the people's money is going to be inquired into; and when you go on record voting two and a quarter millions of dollars of your people's money—not the money of these citizens in the District, but the money raised by taxes from your constituents—you had best remember that you will have that record to meet in the next campaign, and no man can explain it here or elsewhere. That is the situation as to this bill. The House has been munificent. We have given these gentlemen all they ask, except the extra million dollars. We have put the location where they want it.

The SPEAKER. The time of the gentleman has expired.

Mr. COWHERD. I ask for two minutes more.

Mr. BABCOCK. I yield two minutes more.

Mr. COWHERD. We put the location just where these people want it, took it away from where the House wished to place it, because we wanted to save $1,600,000 to the people and the District. We have increased the cost to the Government and the District more than a million and a half of dollars, and we think it right the railroads should bear some portion of that. I want to say here and now that I believe this matter could be solved and solved easily if this House would pass a bill providing that the Pennsylvania Railroad Company should remove its tracks and depot from the Mall. Then there would be no further trouble about accepting this.

There is just one further fact that I wish to bring to the attention of the House. In this letter sent out by one of the attorneys for the railroad company, he says the use of the public streets now occupied by the Baltimore and Ohio from the present day to 1910 for the operation of this railroad—and the value of these streets as they stand to-day, mind you, is only one-third of what we are giving them in the pending bill—he asserts that the use of these streets up to 1910 is worth to that railroad $911,234. What, then, will be the value of three times that much land, to be used, not for seven years but to be used for ever and ever, as long as this Government stands? And yet, that enormous contribution they insist should not be considered at all. [Loud applause.]

Mr. MORRELL and Mr. PEARRE rose.

Mr. MORRELL. Mr. Speaker——

The SPEAKER. The gentleman from Wisconsin has the floor. Does the gentleman yield to the gentleman from Pennsylvania?

Mr. MORRELL. I desire to be recognized in my own time.

Mr. BABCOCK. The gentleman stated he wanted to make a statement. I will yield to him to make a statement.

Mr. MORRELL. I would like to claim my own time on my motion.

The SPEAKER. The gentleman from Wisconsin has the floor. He spoke and reserved the balance of his time. The gentleman made a preferential motion.

Mr. MORRELL. I requested to reserve the balance of my time.

The SPEAKER. If the gentleman did, the Chair did not understand him.

Mr. MORRELL. That is what I said.

The SPEAKER. Does the gentleman from Wisconsin wish to let the gentleman from Pennsylvania in now?

Mr. BABCOCK. Yes, sir.

The SPEAKER. The gentleman from Pennsylvania.

Mr. MORRELL. Mr. Speaker, in answer to a remark which was made in regard to my native city, I would like to ask the gentleman from Missouri if he ever heard of the city of St. Louis and the character of the municipal government there? [Laughter on the Republican side.] And also if he had ever heard of the amount of money that had been contributed by this body to the Louisiana Purchase Commission?

Mr. COWHERD. Will the gentleman permit me to answer his question?

Mr. MORRELL. Yes.

Mr. COWHERD. I have heard of the city of St. Louis. The city of St. Louis, when its magnificent union station was built, which, I am told, is the finest in the country if not in the world, never contributed a cent; and more than that, some of the railroads have elevated their tracks at their own expense. However corrupt their council has been, they never dared go that far in voting the people's money. [Loud applause.]

Mr. MORRELL. I yield ten minutes to the gentleman from Maryland [Mr. PEARRE].

Mr. PEARRE. Mr. Speaker, if it were in order, I should certainly move at this juncture of the proceedings of the House to acquit my colleague [Mr. MUDD] upon his own statement. I should also move a vote of thanks to the gentleman from Missouri for the excellent and impassioned political speech which he has just seen fit to make upon the occasion of the consideration of this bill. I do not see, Mr. Speaker, why it is necessary in the consideration of this business proposition to tear a passion into tatters in the House of Representatives, and by gymnastic gesticulations and bloody faces to try to frighten each other into acceptance of the respective views which we entertain. The gentleman has a reputation as an earnest economist—I refer to the gentleman from Missouri—and I have no doubt that the gentleman's speech on this occasion and the speech that the gentleman made upon the consideration of a previous report of disagreement of this conference will not only add to that reputation for economy, but that perhaps it will commend him to the favor of other gentlemen of the House of Representatives whose duty it is to prevent looting the public Treasury, and who perform that duty to the satisfaction of Congress and the people of the United States.

Now, Mr. Speaker, let us take a cursory review of this legislation and try to ascertain in a calm, dispassionate, business discussion of this matter just exactly how it stands. For a large number of years there was some talk and discussion—much talk and discussion—in regard to the elimination of grade crossings in the city of Washington. The Baltimore and Ohio Railroad and the Pennsylvania Railroad in Washington were not the agitators; they were not the movers and agitators of that subject. The suggestors of that proposition were the committees of Congress in the House and in the Senate and the Commissioners of the District of Columbia. That suggestion was a wise one, because it had as its purpose and its projective result the protection and safety of the lives of the citizens of the District of Columbia. But upon the inception of the consideration of that suggestion by Congress and by the public we find what? We find the Pennsylvania Railroad located upon the Mall, with certain rights, which it has secured from the common council, then the municipal government, of the city of Washington, approved by two acts of Congress. We found the Baltimore and Ohio Railroad occupying a central location both for freight and passenger depots with all its crossings at grade. They had certain well-defined rights. The grant to the Pennsylvania Railroad, the easement that it possessed, was an easement in perpetuity. The grant to the Baltimore and Ohio was limited to the year 1910.

As this matter continues to be discussed an agreement is finally reached between the railroad companies on the one hand and the District Commissioners on the other, and the respective Committees on the District of Columbia of the House of Representatives and the United States Senate. That agreement is embodied in a bill. The railroad companies in all probability could have delayed and postponed and perhaps have defeated any such measure if they had seen fit to make the effort. Fortunately the parties agreed, and that agreement was embodied in the two bills in regard to the two railroads which constituted the legislation of 1901.

Mr. COWHERD. Mr. Speaker——

Mr. PEARRE. I did not interrupt the gentleman from Missouri, and the gentleman can see that my time is very limited.

The SPEAKER. The gentleman from Maryland declines to yield.

Mr. PEARRE. That agreement was embodied in the legislation of 1901. That legislation provided what? It provided for the contribution to the two railroads of one million and a half dollars in value of real estate to the Pennsylvania Railroad and a million and a half dollars in money to the Baltimore and Ohio Railroad, not solely in consideration of the elimination of the grade crossings and the cost to be charged directly to that, but positively enacted that they should have other considerations which were named in the bill itself for which the District chairman of the Committee on the District of Columbia of the House voted and led the fight for its adoption.

Mr. BABCOCK. Will the gentleman from Maryland permit a question?

Mr. PEARRE. If the gentleman chooses to occupy my time.

Mr. BABCOCK. I will yield to the gentleman all the time that I occupy.

Mr. PEARRE. I yield.

Mr. BABCOCK. I do not think the gentleman wants to mislead the House and to place the committee in a false position. The estimates and figures upon which this contribution was based was made by the Commissioners and the engineers of the two railroads, and related solely to the elevation and elimination of the grade crossings. They are on file in the committee room, and numerous reports showing this to be the fact and that nothing was considered except the elimination of the grade crossings.

Mr. PEARRE. I will come to that, Mr. Speaker, but I will now read from the existing law the act which was approved February 12, 1901, which states the terms of the law, not in terms of the Commissioners' estimate, but in the terms of the law, the considerations upon which this contribution was made.

In consideration of the surrender by the Baltimore and Ohio Railroad Company, under the requirements of this act, of its rights under the several acts of Congress heretofore passed, and under its several contracts with the municipal authorities of the city of Washington authorized by said acts of Congress, and in consideration of the large expenditures required for the construction of the new terminals, viaduct, and connecting railroads, as required by this act, to avoid all grade crossings of streets and avenues within the city of Washington; and, further, in consideration of the grant and conveyance to the United States of the lands included within the limits of the roadway and right of way of the Washington Branch Railroad, which can be used for a street or avenue for the public benefit, the sum of $1,500,000, to be paid to said railroad company toward the cost of the construction of said elevated terminals, viaduct, and structures within the city of Washington, shall be, and is hereby, appropriated, one half to be paid out of any money in the Treasury of the United States not otherwise appropriated, the other half to be paid out of the revenues of the District of Columbia.

Now, that language "verbatim et seriatim" is contained in the bill now under consideration, and I asseverate without fear of successful contradiction that that includes in the statement——

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. MORRELL. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has thirty-seven minutes.

Mr. MORRELL. I yield to the gentleman from Maryland five minutes more.

Mr. PEARRE. The bill under consideration contains that same statement of consideration. I would say in further reply to the distinguished chairman of the committee that not only does the bill itself specify other considerations for the contribution of $1,500,000, but the reports of both Senate and House committees upon this subject in 1900 recognize other considerations

for its payment than the mere one-half of the cost chargeable strictly to the elevation of the tracks.

The Commissioners of the District of Columbia, in their report dated February 27, 1900, on Senate bill No. 2329, in the first session of the Fifty-sixth Congress, to eliminate grade crossings, etc., say:

Considering the advantages which will be derived by said city and the public generally and the vastly greater expense proposed to be incurred by the company than would or could be required if it stood upon its strictly legal rights under the terms of the contract above referred to, and considering also that railways in other cities of the country have been aided by the city or State, or both, in the work of abolishing grade crossings, the Commissioners feel that the request of the company is equitable and not immoderate.

The Senate committee in its report, made by Senator McMillan, upon the pending bill, and dated April 3, 1900, says:

The proposition now is that the United States shall buy, at a fair valuation, this land on which the railroad company has been paying taxes for thirty years, and that the railroad shall use the money so received as a portion of the expense of building a tunnel and making connection with the proposed union station.

This statement does not recognize the cost strictly chargeable to the elimination of grade crossings as part of the consideration for the contribution of $1,500,000 proposed in the pending bill, upon which Senator McMillan was making his report. The distinguished chairman will therefore see that both the bill in its terms and the two committees of the House and Senate recognized other considerations for this contribution than those for which he contends.

Now, Mr. Speaker, let us see what Congress said to the railroad companies and what the railroad companies have replied. Congress said in 1901, "You must eliminate these grade crossings." The railroad companies said, "There has been much disagreement between us. We have come to an agreement and conclusion with the District Commissioners; and while we do not need it, while we do not want it, while it will cost much more money than what we might need to expend, if left to ourselves, in consideration of the request of the Commissioners, considering the benefit it will be to the public and the citizens of the District, we will incur the additional expense." "But," said the Congress of the United States to the Pennsylvania Railroad, "you must build a new bridge, and over that new bridge you must permit other railroads to enter into the city of Washington, and you must maintain it for all time." Why? The District of Columbia would have been compelled to build not only a new passenger bridge, but a new vehicular bridge, because it was stated in the report of the Commissioners that a new bridge was essential to save a certain portion of Washington from damage by flood by reason of the breaking up of the ice in the spring.

And therefore, Mr. Speaker, that ought not to be charged against the Pennsylvania Railroad. In addition to that, it says you must take down the Fish Commission building and reerect it, at a cost of $40,000. That was a proposition under the bill of 1901. It said to the Baltimore and Ohio Railroad: "You must give up certain advantageous locations here." What did it say to the Pennsylvania Railroad? Did it say, "You must build a station, at the cost of $1,500,000, that will enable you to properly care for the passenger traffic which you have?" Oh, no. It might have been done for $1,000,000, or for $700,000 or $800,000. The Congress of the United States said: "You must expend a million and a half of dollars for an ornamental station." The Pennsylvania Railroad Company agreed to that. What did Congress say to the Baltimore and Ohio Railroad? It said: "You must elevate your station."

The bill did not require that any particular amount of money should be expended upon the Baltimore and Ohio Railroad station, but it said, "You must elevate your roads according to plans and details which have been prepared by the District Commissioners." That was agreed to on both sides, not on the request of the company, but very much to its detriment. Under that legislation the Baltimore and Ohio Railroad Company has the right, upon the elevation of its station, without putting more money into the railroad-station building itself than it sees fit to do, to receive from the Treasury of the United States Government $1,500,000. That is the solemn pledge of this Government; that is the deliberate decision and legislation of this House, concurred in by about two-thirds majority.

Our friends on the other side, particularly the gentleman from Missouri, have based their opposition to that legislation upon their desire—I am speaking particularly of the gentleman from Missouri—for a building which would comply with the requirements of æsthetic taste—which would tend to the beautification of the city of Washington. "Do not destroy the Mall; the Mall is sacred; it was the pet of George Washington; do not lay profane hands upon it." That was the cry of the gentleman from Missouri. And during that discussion he almost yielded to the suggestion that he would be willing to give the Pennsylvania Railroad Company $2,000,000 rather than have them occupy any part of the Mall, or in consideration of their leaving the Mall entirely.

Now, Mr. Speaker, this is a hurried synopsis of the legislation approved February 12, 1901, with regard to the two railroads in relation to the elimination of grade crossings. Upon the approval of this legislation these two companies doubtless began to make their financial arrangements to carry out the project embodied in such legislation. The total cost of carrying out this project of the Commissioners of the District and the Congress of the United States was, according to the estimates, to be $9,992,064, the Baltimore and Ohio Railroad Company being chargeable with $5,995,408 and the Philadelphia, Baltimore and Washington Railroad Company to be chargeable with $4,392,656.

Under the terms of the act the Baltimore and Ohio Railroad Company was to convey by deed in fee to the Government of the United States the line of its present Washington Branch within the District of Columbia, which is 66 feet wide and 1¼ miles long, and which, according to the estimated value of the property, is worth $531,234. In addition to this it was to release to the Government, by removing its tracks therefrom, the present line of its Metropolitan Branch, from I street to the boundary, and this is the law to-day. The company is also to remove the tracks from New York avenue and First street east on the Metropolitan Branch.

Everybody was supposed to be satisfied, and this long controverted question of the elimination of grade crossings was supposed to have been happily settled. But the Commissioners of the District, the park commission (charged with the beautification of the city), and the Senate Committee on the District of Columbia were not satisfied with this arrangement, for two reasons. First, because that legislation contemplated the enlarged and permanent occupation of the Mall by the Pennsylvania Railroad Company; and, second, because it did not provide a union station.

In the first session of the Fifty-seventh Congress, about a year after the approval of the legislation of February 12, 1901, Senator McMillan, since deceased, and always intelligently devoted to the best interests of the District, reported the present bill from his committee, and in his report said:

This proposition does not come from the railroads. They are satisfied with their present station. When the question of the improvement of the District of Columbia was taken up, the removal of the railroad tracks was considered absolutely essential. The Mall was laid out to form the great approach to the Capitol, and it is impossible to conceive any adequate treatment of the capitol park system without freeing the Mall from the railroad tracks and station. When this view of the situation was placed before the president of the Pennsylvania Railroad, he replied, after very careful consideration, that while he did not desire any change, yet he recognized that if Washington is to have the development of a capital city in the true sense of that word the railroad must leave the Mall, and he was willing to accept any adjustment that would be fair to the stockholders whose interests he represented.

From the standpoint of economical railroad management the proposed union station has little to recommend it. The terminal charges are increased from about 40 cents to about $1.20 per passenger car, and there would be no corresponding increase in passengers. The Baltimore and Ohio Railroad Company, which does a comparatively small passenger business, claims that it would be much better off by keeping to the C street site provided for in the existing legislation, especially as the contemplated change compels that railroad to give up its present extensive and well-regulated freight yards and purchase city blocks in Eckington.

Here, then, was a new proposition presented to the railroad companies, after their officers had the right to believe that the question of the elimination of the grade crossings in the city of Washington had been settled. In this new proposition what did the Congress of the United States (through its committees) and the District of Columbia (through the Commissioners) say to these two railroad companies? They said: "It is true we secured the passage of the legislation in 1901 upon agreement with you. You accepted it in good part and had good reason to believe that that was the end of the matter. The new proposition embodied in the pending bill does not any more effectually eliminate grade crossings, but is suggested by us for the purpose of beautifying the city, by relieving the Mall of all railroad tracks and stations, and secures a union depot in which all railroads coming into the city will center." The railroad companies naturally replied: "We thought this matter was settled. Your project is an excellent one for the beautification of the city, but gives us no particular advantage that we can see." This is doubtless true. It does not increase the directness of the Pennsylvania Railroad's southern connection, because all the Southern railroads that come into Washington terminate in the station of the Pennsylvania Railroad on Sixth street, under contract with and practically under the control of the Pennsylvania Railroad. It does not shorten the Pennsylvania Railroad's connection for New York and the North for any of its freight business, because under the pending bill passenger trains only are permitted to run through the tunnel provided for in this bill, except in case of emergency defined in this bill. The Baltimore and Ohio Railroad Company does a comparatively small passenger business and has no considerable freight traffic with the South because the Pennsylvania Railroad controls that situation.

The only advantage that either railroad would receive through this legislation over what had already been secured to them by the legislation of 1901, is the shortening of the time for passenger trains

of the Pennsylvania Railroad between Washington and New York by about ten minutes. This bill increases the total cost of the project of the elimination of grade crossings, according to the estimates, to at least $15,450,487, distributable as follows: $5,883,550 payable by the Baltimore and Ohio Railroad Company, $7,966,926 payable by the Pennsylvania Railroad Company, and $1,600,000 payable by the District for grading, purchase of property, and damages in constructing a magnificent plaza park, not for the benefit of the railroad companies nor to meet the reasonable requirements of public traffic, but for the beautification of the city. This includes a $4,000,000 station house and train sheds, the cost of which is fixed at that figure in the bill, the whole of which is to be borne by the companies in equal proportions, and $1,649,050, the cost of the tunnel required by this new plan, which is to be borne in the same way. The whole difference between the cost of the project embodied in the legislation of 1901 and that required under the pending bill would be, according to the estimates, $5,458,423, all of which, except the plaza improvement of $1,600,000, is to be borne by the two railroad companies, something like $2,000,000 of the additional expenses being borne by the Baltimore and Ohio Railroad and nearly $3,500,000 being borne by the Pennsylvania Railroad.

The distinguished chairman of the District Committee [Mr. BABCOCK] argues that in the division of costs the cost of the tunnel, the increase of the cost of the terminal building, the line to Magruder for the Pennsylvania Railroad, and the cost of coach yards must be eliminated, and that these items must be charged as betterments to the railroad companies, not being, as he says, connected in any way with the elimination of the grade crossings.

Why the Congress of the United States in carrying out a project for the beautification of the city, not at the request of the railroad companies nor for the benefit of the public, but in contravention of its solemn enactments of 1901, should compel these companies to meet an additional expense of over $5,000,000 is hard to conceive; as it is equally difficult to understand why a $4,000,000 station—which before being completed will come near costing $5,000,000, as Senator McMillan says in his report—and a tunnel costing $1,649,000 should be charged against these companies as betterments.

We must not lose sight of the fact that the original motive of all legislation upon this subject was to protect the lives of the citizens of the District by eliminating grade crossings. The legislation of 1901 required the railroads to do this, and certainly not in a niggardly way, requiring, as it did, the Pennsylvania Railroad to expend $1,500,000 for an ornamental station at the Mall.

If the Congress of the United States simply desires to accomplish this original purpose it is only fair that, when the companies carry out, in a way prescribed by law, under plans agreed upon by the Commissioners of the District and the railroad companies, proper plans for the elimination of grade crossings, they should have the right to exercise their own discretion and judgment as to the character and cost of their terminal-station building. If they were permitted to do this, they could certainly meet the needs of public traffic amply without erecting a $4,000,000 union station and constructing a tunnel at a cost of more than $1,600,000. Why compel them to do this and then reduce the amount of the contribution? What right has Congress to take the property of these companies without consideration or proper compensation, as it will do by compelling them to make this tunnel and erect this $4,000,000 station? I assert, as a matter of law, that Congress can not do it without the consent of the companies.

The legislation of 1901 went beyond what was necessary to secure the elimination of grade crossing, by requiring the Pennsylvania Railroad to erect a monumental station, at a cost of $1,500,000, in order to relieve the streets and other portions of the Mall occupied under that legislation by the station and terminals of that company. The portion of that legislation giving the Pennsylvania Railroad the use of about 14 acres of the Mall is to be repealed by the pending bill, and the pretended necessity or reason for imposing this great cost for a station upon the Pennsylvania Railroad disappears. Indeed, Mr. Speaker, this whole project of tunnel and union station is a financial obligation imposed upon these companies by Congress simply because it has the power to do it. The companies, through their officers, in endeavoring to meet the views of the Commissioners, the Park Commission, and the Senate and House committees, have shown a commendable spirit in acquiescing in these costly designs, with an additional burden of over $5,000,000, and the reason for the reduction of the $3,000,000 allowed to these two companies in equal proportions by the legislation of 1901 does not in any just sense appear. If this House should insist upon its disagreement with the Senate, and the Senate should finally yield, it would appear to a fair-minded man something like the story of the spider and the fly.

The legislation of 1901 was a completed fact and the matter considered closed. The Senate committee, the Park Commission, and the Commissioners of the District of Columbia, after giving absolute assurance to these two companies that there should be no disturbance of the amount of the Government's contribution of land and money to the two companies, ask them to consent to the reopening of this matter and the enlargement of the project in cost and character; and after these roads under this assurance agree, every gentleman who wants to make a factitious reputation for economy plunges in to break the agreement of Congress (made in the legislation of 1901) and violate the assurance of the bodies I have just referred to by cutting down the contribution of the two roads. Such a proposition violates the faith of the House and contains no suggestion of justice.

It is contended by the distinguished chairman of the committee that the lowering of the grade of the viaduct within the city by 10 feet, and the shortening of the terminal construction by reason of its location at Massachusetts avenue instead of C street (about two blocks) under the pending bill, will reduce the cost of construction to these companies. This is true, but this reduction is compensated for by the deeper cut required through the high land north of Florida avenue and the greater amount of excavation, increased slopes, and protection to accommodate the deeper cut, which, according to reliable estimates, will be over $215,000.

Moreover, the Baltimore and Ohio Railroad Company loses the great advantage of a central location of its freight depots within the city, at the junction of Delaware avenue and H street. It is estimated by the officers of that company that the surrender of this location (provided for under the legislation of 1901) and the removal of their freight station to Eckington (some distance outside of the city) will amount to $100,000 a year, at least, which is the interest at 4 per cent on $2,500,000. These officers claim that the books of the company show that the item of the shipment of beef and raw meats alone amounts to $400 a day to the company.

With the removal of the Baltimore and Ohio Railroad Company's freight station to Eckington and the retention by the Pennsylvania Railroad of its freight terminals in the city, the Baltimore and Ohio Railroad Company will lose this traffic entirely, because it can not compete with the Pennsylvania Railroad in these shipments, for the reason that all fresh or Western meats will be shipped to the station nearest the points of delivery in the city, to prevent the deterioration of these meats in the transfer from refrigerated cars, in nonrefrigerated wagons, to the refrigerators at the various points of delivery. Moreover, it is claimed, with much show of reason, by the officers of the Baltimore and Ohio Railroad Company that their surrender, under the legislation of 1901 and this bill, of their right to remain at grade until 1910 would amount to about $941,000, being the interest at 4 per cent for four years on $5,883,550, the total cost of construction chargeable against the Baltimore and Ohio Railroad.

This is based upon the statement that the construction will be completed within three years, but that the cost thereof will not be incurred and completely paid for within three years, but fixing 1905 as the time at which the interest should begin, and allowing one year for removal, the interest would amount to the figure I have given. The gentleman from Missouri was, in 1901, especially desirous of the removal of tracks from the Mall. In this bill his desire is carried out, and that of the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS rose.

Mr. PEARRE. I have not time to yield.

Mr. SIMS. You are now going back on what you voted for yourself.

Mr. PEARRE. The gentleman will have to respond in his own time.

The SPEAKER. Does the gentleman from Maryland yield?

Mr. PEARRE. No, sir.

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. MORRELL. I yield to the gentleman from Maryland seven minutes more.

Mr. PEARRE. Now, Mr. Speaker, the gentleman desired especially that the Mall should be relieved, that we might have an unbroken prospect from the Capitol of the United States to the Monument——

Mr. SIMS rose.

Mr. PEARRE. I have already said that I decline to yield.

Mr. SIMS. But now you have additional time.

The SPEAKER. The gentleman from Maryland has declined to yield.

Mr. PEARRE. The gentleman will have time of his own in which to reply to anything I may say.

Now, Mr. Speaker, the whole opposition of gentlemen to the measure then before the House was based upon their demand for an unbroken prospect from the Capitol of the United States to

the Monument, and thence to the White House. They have it by this bill.

Mr. COWHERD. Mr. Speaker——

The SPEAKER. The gentleman from Missouri [Mr. COWHERD] is out of order. The gentleman from Maryland has declined to yield.

Mr. COWHERD. I appeal to the gentleman that he shall not misstate the facts about me in this matter and then decline to yield for a correction.

The SPEAKER. The gentleman from Maryland has once given notice that he declines to yield. Does he now yield to the gentleman from Missouri?

Mr. PEARRE. I decline to yield. The gentleman will have an opportunity to reply; and I call his attention to the fact that I have made no misstatement of fact.

Mr. COWHERD. Then why not permit me to make a correction?

The SPEAKER. The gentleman from Missouri is out of order.

Mr. PEARRE. I said that the gentleman's chief objection to the bill under consideration heretofore was the occupation of the Mall. Does he deny it? He does not. Further than that I charge and asseverate that the gentleman almost agreed—those were my terms—was almost persuaded to agree to the suggestion that he would be willing that that company should have $2,000,000 if it would get off the Mall entirely, and I could produce the RECORD to that effect.

Mr. COWHERD. I agree to that now.

Mr. PEARRE. Then the very ground for the gentleman's opposition, it seems to me, has disappeared, except this figmentary, fragmentary, and fictitious estimate of his with regard to the expense which the District of Columbia and the Government will have to bear. Why, sir, the mathematics of the gentleman are beautiful to sustain his own argument. But they will not accord, I respectfully submit, with reason and logic. He charges, forsooth, $1,464,280 as a gift of land to the Baltimore and Ohio Railroad Company. I ask the gentleman to find any such provision in the bill. Let him call the attention of the House to any clause in that bill which makes any gift of anything to the Baltimore and Ohio Railroad, or any other railroad, outside the contribution they make. The gentleman can not do it.

Much stress has been laid by the gentleman in his estimate upon the alleged contribution by the Government to the Baltimore and Ohio Railroad of street space. He contends that over $1,400,000 of land is contributed to the Baltimore and Ohio Railroad Company by the Government in this way. In regard to this matter the Commissioners of the District, in their report, dated February 6, 1900, on the legislation of 1901, say: "In the above statement the portions of streets abandoned to the uses of the railway company are not charged against the company, for the reason that public traffic will not be interferred with by such closure, there being no traffic over the portions closed excepting in connection with the railroad, and, of course, ample lines of ingress and egress for this purpose will be provided by the company. It would be an expense to the public to keep them open without any corresponding advantage, and it is believed that the company should be required to maintain and care for them at its own expense."

There is no gift. There is an easement given, the right to use streets; and upon that right both these companies will have to pay largely increased taxation. The taxable value of the Baltimore and Ohio property at its station at present is about $80,000. What will it be under this new legislation? Its share of the increased assessment upon the terminals and the station is certainly $2,000,000; and the bill provides in broad, comprehensive terms, applicable to both roads, that the improvements on this land shall be subject to taxation, only excusing them from additional charges by reason of the elevated structures, terminals, bridges, etc., such as is customary in all the States in legislation of this kind. Therefore there is no gift of land to the Baltimore and Ohio Railroad. There is a gift of the user of land, and they have to pay taxes upon that gift of user, and that user or easement is revocable, because the bill provides in terms that Congress reserves the right to amend or repeal this legislation.

Now, Mr. Speaker, there is a million in money charged. That is true. There is $996,000 for the long passenger bridge. If you will look through the documents connected with this matter, you will find that there are recommendations here from officers of the Government to the effect that it would be necessary to have a new bridge there anyhow. That bridge was given to the Pennsylvania Railroad Company in 1871, when the citizens of Washington wanted to induce the Pennsylvania Railroad Company to come into the District of Columbia. A charge was imposed upon that gift to the effect that the railroad company must maintain it in good order, not only for railroad purposes, but for passenger and vehicular purposes, between the Virginia and the Maryland shores. That bridge will have to be built whether this legislation passes or not. Everybody knows that.

We have to have a new bridge there whether it be a passenger or a railroad bridge; but this charge is made against the Pennsylvania Railroad Company, and the Pennsylvania Railroad Company has to build a magnificent bridge of its own. It has to build that bridge according to the terms of this bill. See what the bill says—the legislation to which gentlemen of the House have given their unqualified approval by a two-thirds majority: "Inasmuch as the present Long Bridge over the Potomac River is inadequate" you said, "inadequate for the accommodation of the largely increased railroad and vehicular traffic, is in a measure obstructive of navigation," said the Congress of the United States. And what business is it of the Pennsylvania Railroad Company whether it is obstructive of navigation or not? What interest has the Pennsylvania Railroad Company in the proposition as to whether it will not meet the demands of the passenger and vehicular traffic? That is a matter for the people of the District of Columbia. [Applause.]

An additional element of cost, one-half of which is chargeable against this company under the pending bill, would be the elevated structure from the mouth of the tunnel to a connection with the terminal. This cost, to be borne equally by the two companies, is estimated at $200,000, and is not, of course, incurred under the legislation of 1901.

With reference to the Pennsylvania Railroad Company, it is admitted that the increased cost to that company by the pending bill over the legislation of 1901 is $3,314,625. Why should these companies be compelled to bear these additional costs to carry out a plan for the beautification of the city which will not more completely eliminate grade crossings than the legislation of 1901, will not specially increase the facilities to the public, and will not gain a single passenger or a single dollar of revenue for them?

Lieut. Col. Charles J. Allen, of the Corps of Engineers, and Brig. Gen. John M. Mason, Chief of Engineers, in a report upon the legislation of 1901, dated January 25, 1900, state that the project for the reclamation of Potomac Flats, which was authorized by act of Congress August 7, 1882, provides—

> For the rebuilding of Long Bridge at an early period during the progress of the improvement, with wide spans upon piers offering the least obstruction to the flow of water, and also for the interception of all sewage discharged into the Washington channel and its conveyance to James Creek sewer canal.

Also:

> That the necessity for rebuilding the Long Bridge with broad spans, so as to provide for the better flow of water, has long been recognized, and, in fact, the reclamation of the flats and the improvement of the Virginia channel have been carried on with the understanding that the bridge would at an early day be reconstructed so as to remove the obstruction of the passage of floods resulting from these piers and the slight elevation of its bottom chord above low water.

The Commissioners of the District, in their report dated February 6, 1900, on the proposed legislation of 1901, say:

> The Long Bridge is notoriously inadequate, and a modern bridge for railway and highway traffic is most urgently needed.

It thus appears, not that the Pennsylvania Railroad needs a new and costly bridge to enter the District of Columbia, but that the Government, to protect a portion of the District, had determined long since that a new bridge was necessary and would have to be built, and the opportunity presenting itself in this bill, they compelled the railroad company to build it without any reference to the eliminating of grade crossings, and will determine by this legislation to build a passenger bridge for the same reasons.

The Pennsylvania Railroad now occupies, if I remember rightly, some 5 or 6 acres of the Mall. The legislation of 1901 allowed the Pennsylvania Railroad Company to take over 14 acres out of the center of the Mall, so it is stated by Colonel Bingham in his report upon this subject dated January 18, 1900. The partial protection of this Mall was the reason for requiring the Pennsylvania Railroad to erect a new station at a cost of $1,500,000. Many gentlemen opposed the legislation in 1901 because it allowed the use of so much land on the Mall to the Pennsylvania Railroad. This bill recovers all that land in the Mall, clears it entirely of railroads, and compels the Pennsylvania Railroad to give up the most convenient railroad station (within a block of Pennsylvania avenue and in the heart of the city) that could possibly be desired, after that location had been assured it by the legislation of 1901.

If it were a good argument against the legislation of 1901 that the Mall should not be desecrated, its restoration under the pending bill should certainly speak loudly in favor of its passage. The distinguished chairman of the committee lays much stress upon the fact that the railroad companies originally filed plans for a union station at C street, with which plans the House Committee for the District of Columbia agreed, and endeavors to deduce some kind of argument against these companies on that ground. It is true, I believe, that the companies did (through their engineer officers) file such plans, and that the House committee at the time preferred the C street location for a union depot; but this was contrary to the plan for the beautification of the city, which Senator McMillan, the Senate committee, the park commission,

and the Commissioners of the District of Columbia had in mind when the pending bill was projected, and the companies yielded to the arguments and persuasions of these gentlemen for the æsthetic improvement of the city. Suppose the companies did file plans and agree to a union depot at C street, are they to be punished on that account? What motive can there be for the imposition of the penalty of $1,000,000 reduction in the original contribution to them simply because they yielded to the suggestions of the gentlemen I have named to aid in the perfecting of a park system and the erection of a monumental station building?

Mr. Speaker, I have endeavored in a desultory way to dissipate some of the misapprehensions that have arisen in the discussion of this matter. If this legislation fails, and fail it will, I believe, unless the motion of the gentleman from Pennsylvania [Mr. MORRELL] prevails, the companies will have the right to proceed under the legislation of 1901 to the erection of separate stations. Fourteen acres of the Mall will be occupied forever, and the grand park scheme, of which it is a part, will be destroyed. The union station will be lost, and the hope of the most magnificent railway station and terminal in the world will have disappeared forever. Can the House of Representatives in the closing session of the Fifty-seventh Congress, with these grand consummations in sight, afford to quibble about the contribution of $1,000,000 toward them, especially when that $1,000,000 was guaranteed by the legislation of 1901, and no good reason appears for a breach of the faith of the House involved in the reduction of the same? In my judgment it can not. I shall therefore vote for the motion of the gentleman from Pennsylvania to recede from the House amendments and concur in the Senate bill.

The SPEAKER. The time of the gentleman has expired.

Mr. PEARRE. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Maryland asks unanimous consent that he may extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MORRELL. Mr. Speaker, I would like to suggest to the gentleman from Wisconsin that he use some of his time.

Mr. BABCOCK. Mr. Speaker, I think we are pretty nearly ready for a vote. I know of only one gentleman who desires to speak.

Mr. SIMS. Mr. Speaker, I would like to have five minutes' time, inasmuch as I could not get a question answered.

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Tennessee?

Mr. BABCOCK. I yield five minutes to the gentleman from Tennessee, a member of the committee.

Mr. SIMS. Mr. Speaker, I asked the gentleman from Maryland [Mr. PEARRE] a courteous and kind question. He is a fellow-member of this committee. I asked him, or wanted to ask a question, and he declined to yield. His time was extended, and he further declined to yield. I would now ask, What is the matter with the gentleman from Maryland in that he does not want a question asked him by a fellow-member of the committee? Are you afraid to give information? Are you afraid to answer?

Mr. PEARRE. If it will do the gentleman any good, I would state that almost anybody is afraid of the temper of the gentleman.

Mr. SIMS. The gentleman would not permit me to interrupt him.

The SPEAKER. The gentleman declines to yield.

Mr. SIMS. When this matter was acted upon by the Committee of the District of Columbia, a motion was made—if I am not telling committee secrets—to reduce the amount carried in the Senate bill $1,000,000, and it was voted down. Then a member of the committee moved to reconsider, with a solemn pledge that every member of the committee would support the bill if that amendment went on, and we thought every member meant what he said and was in good faith.

Mr. PEARRE. Does the gentleman mean to say that I voted for that proposition?

Mr. SIMS. If you were present.

Mr. PEARRE. I want to say to the gentleman that I was present and that I did not vote for any such proposition.

Mr. OLMSTED. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. OLMSTED. My point of order is that occurrences in the committee are not in order here.

The SPEAKER. The point of order is well taken, and there never was a better illustration of it than we have now.

Mr. SIMS. Mr. Speaker——

The SPEAKER. The Chair is not speaking alone of the gentleman, but this morning we have had evidence of that very difficulty. Allusion has been made to what occurred in the committee. That is something with which the House has nothing to do. It has to do only with the results.

Mr. SIMS. But, Mr. Speaker, when a committee allows outsiders to sit right there and report every word that happens, I want to know why a member of the House can not do it.

Mr. PEARRE. I mean to say that if the gentleman states that I did anything of the sort, he states what is not true, and he knows it.

Mr. SIMS. I never said a word about the gentleman. You are not an outsider. You are a member of the committee.

The SPEAKER. Discussion of matters in committee is not in order.

Mr. SIMS. I only wanted to state this in explanation——

The SPEAKER. The Chair will not listen to any explanation. The gentleman will proceed with his remarks.

Mr. SIMS. When we came in here we voted for this amendment solidly, without an exception that I remember. I am not intending to misstate anything, but I am liable to forget.

Mr. PEARRE. Well, you have forgotten.

Mr. SIMS. Mr. Speaker, I rise to a question of privilege. I have a right to it.

The SPEAKER. The gentleman will state it.

Mr. SIMS. The gentleman from Maryland [Mr. PEARRE] has twice disputed my word. I want to say to him that I did not intend to misstate anything. If he were not present at the time referred to, or if he voted otherwise, I was mistaken in it, and he could have said so. There is a gentlemanly way to do it. That is all of it. I say now that if I made a misstatement——

The SPEAKER. The gentleman is stating a question of personal privilege.

Mr. SIMS. I am too well known in this House for any gentleman to think I would misstate him intentionally. The gentleman from Maryland understood that. We have the best personal relations, but there is a gentlemanly way to deny these things, and one that no man resents, and I do not. I say if I misstate, I am sorry for it. I did not intend to, and if he is the gentleman I have always taken him to be he will accept that, and if he does not, I do not care. [Laughter.]

Mr. PEARRE rose.

The SPEAKER. Does the gentleman yield?

Mr. SIMS. Certainly.

Mr. PEARRE. I did not charge the gentleman with having deliberately made a misstatement. I simply desire to say for the gentleman's benefit that if he means to say that I acquiesced in that proposition in the committee that the gentleman is mistaken.

Mr. SIMS. I beg your pardon sincerely and accept your word for it.

Mr. PEARRE. And I want to say further that I do not think my personal relations with the gentleman are such as would justify him in commenting upon my knowledge of gentility and courtesy; and if he means to say anything of that sort, I would only respond by saying that I certainly should not go to the gentleman for any lessons in those matters.

Mr. SIMS. I do not ask the gentleman to do so.

The SPEAKER. Now everything is delightful [laughter], and the Chair hopes the debate will proceed in order.

Mr. SIMS. Now, Mr. Speaker, I wish to address myself to the matter before the House.

The SPEAKER. The gentleman is in order, and will proceed.

Mr. SIMS. When the amendment was brought in here of $1,000,000 reduction to the Senate bill, it was voted on separately. Was there a mortal man that voted against that amendment? If there is, let him rise; I do not want to misstate him. We unanimously voted for it, with all the information that any gentleman now has. Why, then, the change? The gentleman from Missouri [Mr. COWHERD] and myself stood up here and fought the gentleman from Illinois [Mr. CANNON], who wanted to knock out the expensive but very beautiful plaza, and we did it solely because we felt in honor bound to live up to all understandings made elsewhere. We had all the information then we have now. Every member of this committee had all the information then that he has now. Why now does any member of this committee come in here and ask this House to reflect upon information heretofore given and votes heretofore taken by going back upon that solemn vote of this House?

[Here the hammer fell.]

Mr. LATIMER. Mr. Speaker——

Mr. MORRELL. I yield five minutes to the gentleman from Virginia [Mr. HAY].

Mr. LATIMER. I want some time.

The SPEAKER. The gentleman from Virginia [Mr. HAY] has five minutes.

Mr. HAY. Mr. Speaker, after a careful examination of this bill and of the amendment which is under consideration, I have concluded to vote to recede and concur in the amendment of the Senate. I am not frightened by the language of the gentleman from Missouri [Mr. COWHERD], whom I do not now see, as to the account which I will have to make to my constituents if I vote for this bill. I might retort upon the gentleman that upon one

occasion he voted for an appropriation of $5,000,000 for the St. Louis Exposition, a great work, and one which I am not depreciating.

But at the same time I believe that this is legislation in the interest of beautifying the city of Washington, which is very dear to me, as to other Virginians. It is a work which will benefit my constituents and will benefit the constituents of many gentlemen in this House. I can not see from the statements which have been made heretofore by both sides on this question that the railroads are attempting to take anybody by the throat. As I understand it, this legislation was not inaugurated by the railroads. They were perfectly willing to accept the bill which was passed two years ago. They did not ask for a union station. This union station was asked for by the park commissioners of the District of Columbia and by the District of Columbia government and by certain gentlemen of both Houses. If this is true, why say that the railroads are undertaking to grab something to which they are not entitled? We are told by the gentleman from Missouri that it will cost a great deal more to have a union station now than it would to have separate stations.

If that is true, if it costs the railroads $500,000 more apiece than the committee has given to them, that is the Committee on the District of Columbia of the House, to build the station than it did before, why is it in this case that these gentlemen now are unwilling to give them this additional amount? They gave the Baltimore and Ohio $1,500,000 two years ago. They gave the Pennsylvania Railroad land valued at about that amount; and if so, why do we now take back what we have heretofore done, by trying to terrify gentlemen, by trying to make gentlemen believe that they are going to lose votes at home because they vote what they believe to be right in a matter of business? This is asked for in reality by the park commissioners and the District Commissioners because, I understand, they desire this union station. I am informed further that the Baltimore and Ohio Railroad and the Pennsylvania Railroad are both willing to have the bill which was passed two years ago to remain upon the statute books and to operate under that bill; that it is cheaper for them to do so. That being the case, and believing that the expenditure of this sum of money will be to the interest of the District of Columbia, will be to the interest of my constituents, and that it will be for the beautifying of this beautiful city, I shall vote with the gentleman from Pennsylvania to recede and concur in the amendment of the Senate. [Applause.]

Mr. BABCOCK. I yield five minutes to the gentleman from South Carolina [Mr. LATIMER], a member of the committee.

Mr. LATIMER. Mr. Speaker, I think this House is pretty well informed in regard to the provisions of this bill, and the conditions that exist; but before we come to a vote, being a member of the District Committee, and also one of the conferees, I desire to make a simple statement to the House. Gentlemen, for thirty years we have been trying to get legislation here that would be satisfactory to the District of Columbia and to the country at large. We have failed up to date. The people of the District and the members of this House object to the Baltimore and Potomac Railroad Company occupying the Mall. We passed a bill two years ago giving them the right to come in on an elevated track, and continue the use of the Mall, and to build a station there that would cost a million and a half dollars. Now, as has been stated, we give a million and a half dollars to each railroad in substance in the bill we passed February 12, 1901. This law is now in force. I am a member of the District Committee; we were not satisfied with existing legislation, and our committee reported a new bill to this House providing for a union station, cutting down the amount that the Government would pay and making it $2,000,000 instead of $3,000,000, according to the Senate bill.

I say to you here to-day that we either want legislation or we do not, and if we are to have legislation we ought to take some action in this House that will accomplish that legislation. The Senate is standing firm by its bill, claiming a million and a half for each road. Now, my position is that these conferees ought to be sent back to conference, without instructions by the House, and I believe we will get legislation that will be satisfactory to the House, to the District of Columbia, and to the country at large. For you will see that much of the trouble in our last conference was that I for one took it that we were instructed when we left this House. Therefore we reached no agreement. The Senate is firm in its position and the House is firm in its. Now, let the conferees go back and I believe an agreement will be reached. Gentlemen, if we want legislation we can get it. Both of these railroads say they are willing to keep the legislation they now have. The Baltimore and Ohio road claims that they have spent over a million dollars in the purchase of land for the purpose of carrying out the legislation we gave them two years ago.

Mr. COWHERD. Let me say to the gentleman that that is to be sold back to the city.

Mr. LATIMER. I say to the House that if we propose to get legislation during this Congress let these conferees go back to conference without instructions. This is a great business proposition. Every prominent man with whom I have come in contact in this District wants a union station. I believe that a majority of this House want a union station. If you want that union station, send these conferees back without instructions, and, in my judgment, we will get legislation. [Applause.]

Mr. BABCOCK. Mr. Speaker, I now yield three minutes to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. ADAMS. Mr. Speaker, there has been a spirit of acrimony thrown into this debate which is unfortunate and unusual in this House. The gentleman from Missouri [Mr. COWHERD] in the course of his remarks went entirely outside of the limit of proper debate, and branded the city of Philadelphia as the most corrupt city in municipal government in this country.

Mr. COWHERD. I did not; I said that nobody would take it as a model.

Mr. ADAMS. I understood the gentleman to say that it was the most corrupt city in municipal government in the country.

Mr. COWHERD. I did not intend to say that; but if I did, I do not retract it. [Laughter.]

Mr. ADAMS. I wish to call the gentleman's attention to the fact that when my colleague asked him about St. Louis he said it had not contributed to the steam railways, but there are other railways that exist in cities for the transportation of passengers, and I would like the gentleman to make some statement in regard to corruption and the men who have just been convicted in the worst scandal that has ever involved any municipal government for many years; and I would further like to call his attention to the fact that if Philadelphia was badly governed, it was through her detective force that one of the embezzlers from St. Louis was arrested and sent back that he might be convicted. [Laughter.]

Mr. Speaker, this charge on the city of Philadelphia was unwarranted and out of the way, and had nothing to do with this debate. But I will say in regard to the very question under discussion that Philadelphia did contribute to the elevation of the tracks in that city in contradistinction to that of St. Louis. Why? Because the citizens felt the same way that the citizens do in the District of Columbia—that we are always willing to assist the public spirit of any corporation or any association which wishes to do things for the general good; and no greater good can be done than the elevation of the railway tracks in a large and populous city so as to preserve the lives and limbs of the people. You can pick up the public press any day and you will see numerous accidents all over the country which occur at these grade crossings. So the gentleman ignores the scandal of the city near which he lives and must be responsible for in some degree, as much as we hold ourselves responsible for the great city of Philadelphia. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. CANNON. Mr. Speaker, I listened to the gentleman from Pennsylvania [Mr. MORRELL] when he opened this discussion in advocacy of his motion to concur. I only want to say, in regard to his allusion to myself, that I have a vote in this House. I do not know whether I will ever have the confidence of my fellow-members in another Congress, at another time, so as to be chosen to preside or not. That cuts no figure; it will care for itself when the time comes, and if, perchance, it should so turn out, I will follow my best judgment, without fear, and perform the duties of that place when the time comes to the best of my ability. [Applause.]

As to my duty now, it is to add my voice for or against the gentleman's motion according to my judgment and conscience, acting for myself. That I shall do. Now, what is this proposition? To agree to a Senate amendment.

Mr. BABCOCK. This is an amendment of the House to the Senate bill.

Mr. CANNON. An amendment of the House to the Senate bill, and the Senate disagreed to it, a difference of a million dollars between the two bodies. Now, in cold blood, I want to inquire a minute as to the merits of the proposition. You always have to read proposed legislation in the light of what has passed, and especially in the light of what has passed at the present session of Congress. Two years ago Congress legislated for the purpose of getting an elevation of tracks. One depot was to be built on the Mall and the other one at C street. The two companies at that time did not agree. There never had been a time up to that time that these two companies, the two great railway companies, could agree or listen to a question of a union depot. Never. Afterwards, I think, to state an open secret, there was such a community of interest created touching the stock of these two great companies, to say the least of it, that their management is now entirely harmonious. [Laughter.] If you tickle one, the other sneezes. [Laughter.] That is an open secret.

I am not abusing them for it. But when this time came, after the legislation of two years ago, then they began to talk about a union depot, and these people began to be "forced" and "forced." Is there a line of law on the statute book that "forces" them then or now? Not one—not one—not one. In all the time that has passed since the enactment of 1901 they have had full power to proceed under that legislation to construct their respective depots and elevate the tracks. Have they done it? No. Are they going to do it? No. Any man can see that who wears spectacles—more pairs than I—let alone with the naked eye.

Now, what happens at this session? There came in here a bill passed by the Senate, amended by the House. It provided for a plaza park in front of this union depot. That did not meet my approval as an individual. I thought it was an unnecessary expense put upon the District and upon the Treasury. I antagonized it. But I found the House Committee on the District of Columbia an absolute unit in opposing my antagonism. I asked one of the members of that committee—not in committee, for I do not belong to that committee—"Why does your committee stand together in this way?" "For the reason," was the reply, "that this committee reports without dissent in favor of cutting down by a million dollars from the donation out of the Treasury to these two companies." And to secure that, the committee comes absolutely together; and that ends it. I antagonized the proposition as best I could. I was beaten, as I have frequently been beaten; that is, I voted with the minority.

Now, another thing. It is an open secret—and I say it respectfully, without criticism, because people interested in legislation have the right by all proper means to make their power and influence and judgment felt—it is an open secret that the representatives of these two great corporations—or one great corporation if they are one—were doing all that they legitimately could to pass that bill through the House, or aid in its passage with the House amendment. The District of Columbia Committee was solid. The bill was passed. It went to the Senate. The Senate refused to agree to our action. The bill came back to the House and went to conference, and on conference report of disagreement the House discussed it, as the House always does matters of difference. When we differ with the Senate we discuss. We discussed this proposition and voted upon it, and stood by the House amendment.

Now, speaking with entire respect of the general practices of another body—not criticising—suffice it to say that, following the practice that is rarely "honored in the breach," that body, as a fact, never had discussed the merits of this proposition—never. They did not discuss it, as the RECORD will disclose, when they disagreed to the House amendment. They did not discuss its merits when the matter came back on the conference report. "The Senate further insist" is the record. And now the matter comes back again. I hope it will never come here again. My judgment is that if you knock off the other $2,000,000 "not all the king's horses or all the king's men"—I know they are across the ocean, some distance off—can keep these companies from accepting the legislation gladly. [Applause.] Things are not now as they were when the legislation was had two years ago. We are making liberal donations to these companies. I believe with the gentleman from Missouri that we are contributing fully half, and more, too, to the elevation of the tracks and the construction of the tunnel, including the plaza park. We have relieved these companies from taxation for their elevation. It is simply taxed as a highway. They have been treated well. Enough is as good as a feast.

> O! it is excellent
> To have a giant's strength; but tyrannous
> To use it like a giant.

Speaking for myself, I want to say, from my standpoint, that it is not politic for these great corporations to insist upon this extra million. [Applause.] They are free to insist. They manage their own matters. We manage ours. They have a right to manage their matters as they choose. But the doors of the Treasury and the revenues of the District of Columbia can not swing open at the dictation of a coordinate branch of Congress [applause]—can not swing open at the dictation of any private citizen unless, exercising the trust that we do for 80,000,000 people, we give the legal key to open the door by our votes.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. I should like to have two minutes more.

Mr. BABCOCK. I yield the gentleman five minutes.

Mr. CANNON. Mr. Speaker, following our judgments and our consciences, it is for us to unlock those doors, as we shall answer to ourselves and answer to an intelligent public sentiment. [Applause.]

Much has been said as to what other cities have done. That does not make a great deal of difference. The question is, What ought we to do? In the city of Chicago, as my colleague [Mr. MANN] has just said, the railways have within ten years paid out $22,000,000 for track elevation, and the city not a cent; and they are already making preparation to pay out $11,000,000 more. Well, that was good work upon the part of the city. Philadelphia, it is stated, donated one-half of such expenses in that city. I am not here to criticise Philadelphia. I do not know what caused that city to do it. St. Louis contributed nothing for similar work. The cities that have contributed, contributed only about 35 per cent.

We contribute, without this increase of this million of dollars, over one-half; and that is enough, in my judgment; and for one I trust that if the House further insists, as I hope and believe it will, upon its disagreement with the Senate, that that will end it. Oh, but says some one, Will they take it? Will they take it! Will a duck swim? [Laughter.] Will a stone when released from an elevation go, under the law of gravitation, toward the center of the earth? "So much I have," they could well exclaim, "and by the grace of one branch of Congress, or of two, it costs nothing to play for the other million, and we make the play." [Laughter.] Gentlemen, let's call them here and now! [Prolonged laughter and applause.]

Mr. MORRELL. Mr. Speaker, I would ask how much more time I have remaining.

The SPEAKER. Twenty minutes.

Mr. MORRELL. I yield seven minutes to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, I want to have just a word or two before this discussion closes. I listened with great pleasure to the earnest speech of the eloquent gentleman from Missouri [Mr. COWHERD], as I always do when he speaks, but I think that he did not thoroughly state the proposition which is before this House. I think that the question before the House is a much simpler question than the one discussed by my friend from Missouri. I joined in the enthusiasm, too, with which the House always greets the gentleman from Illinois [Mr. CANNON] who has just taken his seat; but I do not think that he, either, has fairly stated the exact question which is before the House. The question is, Shall there be contributed to the Baltimore and Ohio Railroad Company and the Pennsylvania Railroad Company, in connection with the elevation of their tracks and the erection of a union station, one million dollars each or one and a half million dollars each?

The Senate and the District Commissioners say it ought to be one and a half millions of dollars. The House insists that it ought to be only $1,000,000. Now, that is the only question before us, and it seems to me that it may be solved and fairly solved by a brief recital of what precedes this Senate bill. Some thirty years ago or more the Pennsylvania Railroad Company entered the District of Columbia. I do not know how long ago the Baltimore and Ohio also entered the District of Columbia. They are both here by virtue of legislation, and they have expended large sums of money. They do not owe the District anything particularly nor does the District owe them anything particularly. They have each contributed to the welfare of the other. In the meantime Washington has been growing in population. Great crowds come here on various occasions, for Washington has become a convention city, and therefore it became necessary in the interests of human life, in the interests of business, that the tracks of these two companies in the District should be elevated.

The companies and the Congress of the United States came together. They made a bargain. That bargain is represented by the legislation of 1901. Whether it was a good bargain for the railroad companies or a good bargain for the District of Columbia is now wholly irrelevant. Under the terms of that bargain, embodied in that legislation, the Pennsylvania Railroad Company was to elevate its tracks and the Baltimore and Ohio Railroad Company was to elevate its tracks; the Pennsylvania Railroad Company was to build a depot on the Mall and the Baltimore and Ohio Railroad Company a depot on C street. It was agreed that a fair division of the cost would give to the Pennsylvania Railroad Company a million and a half of dollars in property and to the Baltimore and Ohio Railroad Company a million and a half of dollars in money. Now, gentlemen of the House of Representatives, that is existing law. Under the existing law the tracks are to be raised, the depot is to be built on the Mall, the other tracks are to be raised and the depot is to be built on C street. Now, why any necessity for additional legislation? Because a grand scheme for the beautification of this capital city has been entered upon. Listen to me for a moment while I read:

> The new station will be the finest structure of its kind in the world. Its length will be 760 feet, which is 8 feet 8 inches longer than the Capitol itself. It will be built of white marble, with the interior of marble and stone—

and so on. A palatial building, palatial in conception, in proportions, and in beauty.

Now, then, the park commissioners, the gentlemen interested in the beautification of this national capital, say to the railroad companies, We do not want you to carry out the scheme of 1901;

we have a new scheme and a better scheme and we want you to join us in it. Now, that brings us to just a single question, and it is the kernel of this case. Will it cost the railroad companies any more to carry out this new scheme than it would cost to carry out the old scheme? That is the only question. This is not a question of a giant cruelly exercising a giant's strength. It is a question of simple justice. True, these are railroad corporations, but they are just as much entitled to justice at the hands of this House as the humblest or the loftiest citizen in the land. Now, can they carry out this scheme upon the terms upon which they agreed to carry out the scheme embodied in the legislation of 1901?

I say no, they can not. Before I come to that, the gentleman from Illinois [Mr. CANNON] would have you believe that this union depot scheme is a scheme of the railroad companies. Mr. Cassatt, president of the Pennsylvania Railroad Company, than whom a more reputable gentleman does not live, says that they had nothing at all to do with it and that they prefer existing legislation. Mr. Loree, the president of the Baltimore and Ohio Railroad Company, an equally reputable gentleman, says the same thing.

Mr. BABCOCK. Mr. Speaker——

Mr. DALZELL. I can not be interrupted. I have only seven minutes.

The SPEAKER. The gentleman declines to yield.

Mr. DALZELL. The Senate committee report:

> This proposition does not come from the railroads. They are satisfied with their present situation. From the standpoint of economical railroad management the proposed union station has little to recommend it. The terminal charges are increased from about 40 cents to about $1.20 per passenger car, and there will be no corresponding increase in the passengers.

Now, can they carry out this scheme without additional cost? I call attention to the statement of Mr. Cassatt. I will put the figures in the RECORD.

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. I should like one minute more.

Mr. MORRELL. I yield three minutes to the gentleman from Pennsylvania.

Mr. DALZELL. The total cost to the Philadelphia, Baltimore and Washington Railroad, which is the Pennsylvania Railroad, under the pending bill is $7,966,926; cost under the act of February 12, 1901, $4,392,656; total excess of cost to the Philadelphia, Baltimore and Washington Railroad, $3,574,270. Under these circumstances I put it to your consciences as intelligent legislators whether it is anything more than just that that million and a half of dollars provided for by the Senate bill and recommended by the District Commissioners be allowed to stand in that bill to the credit of that company.

Upon the other hand, so far as the Baltimore and Ohio Railroad is concerned, I find their estimate of the total cost under the bill now pending is $5,756,550; cost under the act of February 12, 1901, $5,599,498, or an excess of cost of $157,142.

Now, one other matter. I can not understand the figures of the gentleman from Missouri [Mr. COWHERD]. I find here the District Commissioners' estimate of the cost of work to be done by the railroad companies is $13,073,103; work to be done by the District of Columbia, with damages to property, $1,770,000, or $14,843,103 altogether, of which the railroad companies bear $11,073,103.

I appeal to you, gentlemen of the House of Representatives, to be just; I do not ask you to be generous. I am not here asking for anything that these people have not shown that they are entitled to; and if from any motives other than those of dealing out exact justice we fail to legislate as we ought to legislate on this occasion, it will be to the disgrace and shame of the House of Representatives. [Applause.]

Mr. MORRELL. I should like to ask the chairman of the conference committee if he is going to use any more of his time.

Mr. BABCOCK. I have a few minutes remaining, Mr. Speaker, and I desire to close the debate with those few minutes, when the gentleman is through with his time.

Mr. MORRELL. All right. I will yield five minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, we all know the tendencies of the gentleman from Missouri [Mr. COWHERD] in the direction of economy. We saw them exhibited in his fruitless efforts to prevent this body from voting six or seven millions of dollars to be expended in the city of St. Louis in his own State in celebration of the Louisiana Purchase. We all know the tendencies of the gentleman from Maryland [Mr. MUDD] toward rigid economy. We saw them in his efforts to secure the appropriation of several millions more in the construction of Government buildings at Annapolis, in his district, than the economical chairman of the Appropiations Committee [Mr. CANNON] or the House itself thought necessary. We all know the economical tendencies of the chairman of the District Committee. We observed them in his fruitless efforts to induce us to advance some $10,000,000 out of the public Treasury a few days ago, which advance the distinguished chairman of the Committee on Appropriations said was needless.

But, laying aside all questions of the comparative merits of gentlemen in their struggle for economy, let us come down for one minute to the consideration of the propositions before the House.

Two years ago this House, by a majority of nearly 100, passed the existing law requiring the Baltimore and Ohio Railroad Company to eliminate its grade crossings, erect a station at C street, and do certain other things. That bill appropriated $1,500,000 to that company in consideration of its doing these things. The economical gentleman from Maryland [Mr. MUDD], the economical chairman of the District Committee [Mr. BABCOCK], and the economical chairman of the Appropriations Committee [Mr. CANNON] all voted for that bill; voted for it once, voted for it twice, appropriating $1,500,000 to the Baltimore and Ohio Railroad Company in consideration of its bearing certain expenses and doing certain things. Now, this pending bill requires them to do more, according to the estimates of the Senate committee, of which the late Senator McMillan was chairman, and according to the unanimous report of the Commissioners of the District of Columbia. They say in that report, on page 13, "that in the case of the Baltimore and Ohio the total estimated cost is $250,000 or $300,000 greater than that of last year"—that is to say, this bill we are now discussing and which originated in the Senate in 1902, imposes $300,000 more of expense upon that company than was imposed upon it by the act of 1901, for which all of these economically inclined gentlemen voted.

Furthermore, this bill compels that railroad company to remove its freight station entirely outside of the city limits and locate it away out at Eckington, a proposition which, directly or indirectly, will cost that company at least a million of dollars. As I have already stated, all of these economical gentlemen voted for the act of 1901, which gave to this company $1,500,000. Now, this bill in those parts upon which both Senate and House have agreed puts these additional burdens upon the company, and the only amendment that is now undisposed of, so far as concerns that company, is that whereby they propose, in section 13, to amend the third paragraph of the eighth section of the act of 1901 by striking out, so that instead of reading $1,500,000 it shall read $1,000,000.

Now, take the case of the Pennsylvania Railroad Company. The act of 1901 required it to make vast expenditures for the purpose of eliminating all its grade crossings in this city. In consideration of its doing so it granted to the company additional land upon the Mall of the estimated value of $1,500,000. All of these economical gentlemen voted for that proposition in 1901.

This bill, upon which both Houses have already agreed except as to this particular amendment, proposes to take that land away from the company and also to impose upon it additional expenses. In their unanimous report addressed to the Senate committee, the Commissioners of the District of Columbia say:

> In the case of the Baltimore and Potomac, the extra estimated cost is nearly $3,600,000, and the bill provides that the company is to receive from the United States $1,500,000 for vacating the Mall.

In other words, the bill proposes to pay the company for the land which the Government takes from it, and having done that, imposes an additional $3,600,000 upon the company in order to enable the Government to carry out the improvements which it desires to make in the city of Washington. In brief, this bill says to the company over whose lines the Pennsylvania Railroad Company's cars enter this city, that it must surrender and vacate $1,500,000 worth of property, and must also do other things involving an additional expenditure of $3,600,000 for the purpose of beautifying this city. The bill upon which the Senate insists pays the company for the land taken.

The amendment which our economical friends are advocating proposes to pay for only two-thirds of the property. They voted in 1901 to convey this property to the company. They now desire to compel the company to give it back at two-thirds of what it cost the company, and in addition to that to compel the expenditure of $3,600,000 of additional money for the benefit of the city of Washington. The gentleman from Illinois [Mr. CANNON] asks, "Where are they required to do these things?" Why, this very bill, in that portion of it upon which both Houses have already agreed, requires it. Turn to line 1 on page 2, and you will find that the language is "authorized and required"—not authorized merely, but "authorized and required—to locate, construct, maintain, operate, etc." On page 7, beginning on line 4, it expressly declares that "the terminal station contemplated by this act shall cost not less than $4,000,000, and shall be monumental in character, and the plans therefor shall be subject to the approval of the Commissioners of the District of Columbia."

Senator McMillan, and his committee estimated that the station, as contemplated, will cost $5,000,000. This act requires them to build it and do these other things requiring large expenditures of money.

Senator McMillan, in the report of his committee to the Senate, said:

During the Fifty-sixth Congress legislation was enacted enlarging the occupation of the railroad in the Mall. This action was taken only after years of effort to obtain the withdrawal of the road from public space, and because of the demand for the elimination of grade crossings and increased facilities for handling the rapidly growing traffic. In the adjustment then made the railroad received land in the Mall in lieu of the usual cash payment of one-half of the cost of track elevation.

The proposition now is that the United States shall buy, at a fair valuation, this land on which the railroad has been paying taxes for thirty years and that the railroad shall use the money so received as a portion of the expense of building a tunnel and making connections with the proposed union station.

This proposition does not come from the railroads. They are satisfied with their present situation.

Congress, however, is not satisfied. It desires that they shall build a beautiful union station for the adornment of the city; that in order to reach it instead of going over the surface of the ground they shall construct an extensive tunnel. Now, the use of this tunnel will not bring them an additional passenger or ton of freight. It is for the advantage of the city and not of the railroads. This is not a donation party. We are not giving anything to the railroad companies. We are taking from them. The question is, How much shall we take? What forced contribution shall we require of them?

I understand that they are willing to bear the increased burdens proposed by this bill, provided that otherwise they are left precisely as they were left by the legislation of 1901. The Senate bill gives them substantially just what this House, by a majority of nearly a hundred, determined upon in 1901. The Senate does not propose to give them a half million dollars apiece, but the amendment which the gentlemen advocate proposes to take from them a half million dollars apiece. By the Senate bill, without this amendment, they are left in precisely the same position in which the House put them in the legislation of two years ago, for which all of these economically inclined gentlemen voted. If it was right then, what has occurred to make that legislation wrong now, when we are proposing to put several million dollars of actual expenses upon these companies?

I have no interest, personal, professional, or financial, in any company named in this bill. I am glad to see them contribute all that they will toward the improvement and beautification of this city. If they are willing to make the total expenditures required by this bill, which all hands agree will amount to more than $12,000,000, I think the Government or the District of Columbia can afford to pay them for the property taken from them.

Mr. BABCOCK. Will the gentleman allow me a question?

Mr. OLMSTED. I can not yield. I have but a few minutes. What has occurred to cause gentlemen who voted for the legislation of 1901 to oppose continuing the provisions as to these payments? Why, the gentleman from Illinois says that now these roads or corporations "flop together" better than they did then, in 1901. That is a proposition I challenge. They flopped together just as well then as they do now or ever will. But that is not the proposition before the House. The question is, What is right and just between the Government and these corporations, not on a proposition of their asking, but on our mandate to compel their expenditure of many millions of dollars; not for increasing their freight or passenger business, but in beautifying and improving the city of Washington? I hope the House will recede from the remaining amendments to the Senate bill.

The SPEAKER. The time of the gentleman has expired.

Mr. OLMSTED. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Pennsylvania asks permission that he may extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. DALZELL. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. MORRELL. Mr. Speaker, I think I have the right to close, as I made the motion.

The SPEAKER. The gentleman from Wisconsin is in charge of the bill, and has the floor. The gentleman from Pennsylvania made a preferential motion, but that will not take from the gentleman from Wisconsin, in charge of the bill, the right to close debate.

Mr. MORRELL. Mr. Speaker, I think I have five minutes remaining.

The SPEAKER. The gentleman has five minutes.

Mr. MORRELL. I yield five minutes to the gentleman from New York [Mr. SHERMAN].

Mr. SHERMAN. Mr. Speaker, the gentleman from Maryland [Mr. PEARRE] has stated very clearly and concisely the history of this whole terminal legislation, and it is not new. Two years ago we made provision for terminals for the two railroads. These provisions were satisfactory to both railroads. From that day to this they have never asked this House to have any change made in the legislation. The changes which have been made or which are provided for in the bill, the consideration of which we are about to conclude, are asked, not by either of the railways, but are asked by officials of the United States Government. The movement for the change from the provisions of the bills of two years ago was inaugurated by the then chairman of the District of Columbia Committee in another body, a distinguished gentleman, a man of broad, extensive business experience and of wise judgment, now deceased. That distinguished gentleman inaugurated a movement for the change of legislation in reference to the terminals.

And, Mr. Speaker, it was only after the most earnest, persistent arguments made by him on behalf of the Government that the railroads finally consented to the provisions of the Senate bill; consented upon his assurance that a million and a half dollars should be appropriated for each railroad, and that the influence of this distinguished gentleman should be used in bringing about that result. This is the question now. Shall we carry out here in the House the agreement made, not upon the application of either railroad or of both, but the application made on behalf of the Government by its official, by the chairman of a committee of one of the legislative bodies of the country, made to the railroads and accepted by them only upon the most earnest solicitation on behalf of the Government.

Mr. Speaker, I think there is a mistaken notion in the House about amendment numbered 57. Amendment numbered 57 does not appropriate a cent. Amendment 57 does not appropriate a million and a half dollars for the Baltimore and Ohio Railroad. That money is already appropriated by the act of two years ago. The Senate provision in amendment 57, which we will incorporate in this bill, if we sustain the motion of the gentleman from Pennsylvania, to recede and concur, is a legislative enactment having nothing whatever to do with money. The provision inserted by the House is a provision which reduces that old appropriation from a million and a half to a million dollars. If we sustain the motion of the gentleman from Pennsylvania to recede, we do not appropriate one cent more for the Baltimore and Ohio Railroad. We simply leave undisturbed the appropriation of a million and a half dollars that we made two years ago. That is all there is in that proposition.

Any gentleman can see it by reading the bill. The Senate provision, section 13, is legislation. It does not refer to money. The amendment incorporated by the House, that the House conferees are now insisting upon, is the one which reduces the amount which we have already appropriated for the Baltimore and Ohio Railroad. I think the House has had a mistaken notion in reference to that. My distinguished friend from Illinois asks in the most dramatic way and by repetition, "Will they accept it?" That, Mr. Speaker, it seems to me is an argument, if argument it may be called, beneath the dignity of the gentleman from Illinois. Might never has and never will make right. We have more than once under the leadership of the gentleman from Illinois and some other members forced claimants before this Government to accept a lesser amount than they believed was their just due. We have forced the members upon this floor to accept a lesser amount than they believed honestly due claimants. It is no argument to say that they will accept it if they are forced to accept it. I do not know whether the gentleman's statement is correct, but I am inclined to take with more than a little grain of allowance most of the statements made in regard to this proposition since more than two weeks ago one of the members of the conference committee on this bill stated to this House that the Senate conferees in five minutes would recede from their proposition if we would send them back with instructions. [Applause.]

Mr. BABCOCK. Mr. Speaker, I ask for the reading of the amendment offered by the gentleman from Pennsylvania as an amendment to my motion.

The SPEAKER. It is not an amendment to the gentleman's motion, it is a preferential motion.

Mr. BABCOCK. I ask for the reading of his motion.

The SPEAKER. The motion of the gentleman from Pennsylvania [Mr. MORRELL] is simply to recede on two amendments, Nos. 39 and 41, and, in regard to amendment 57, that the House recede from that part of it which has not been disposed of in conference.

Mr. BABCOCK. Mr. Speaker, that is all there is open in the bill. Everything else has been agreed to. I ask, as a parliamentary inquiry, what difference there is, in effect, between the motion I make to insist and the gentleman's motion to recede? Is it not, in fact, the same motion; that is, an affirmative vote on one proposition is the same as a negative vote on the other?

The SPEAKER. Not in this case. We have here a Senate bill with House amendments. The bill has passed, and the amendments only are in controversy. The gentleman from Wisconsin

[Mr. BABCOCK] moves to insist on the amendments. The gentleman from Pennsylvania [Mr. MORRELL] moves to recede. If the House recedes from these amendments, that ends the matter; that disposes of the controversy. If the House does not recede, there may be several things that may be done under parliamentary law.

Mr. BABCOCK. If that is the status, Mr. Speaker, I wish to answer some questions propounded by the gentleman from New York and the gentleman from Pennsylvania. Now, Mr. Speaker, the gentleman from Pennsylvania [Mr. DALZELL] and also his colleague [Mr. OLMSTED] propounded this proposition.

The SPEAKER. Is the gentleman from Wisconsin going to occupy the balance of his time?

Mr. BABCOCK. But a very few moments. He propounded this proposition: "If a member of the House voted for this proposition in 1901, granting a million and a half dollars to each road, why have they changed their minds? What different conditions are there?" The different conditions, gentlemen, as I have stated over and over again on this floor, are that this proposition entails an additional burden of $1,600,000 on the Government and the District revenues. That is the difference.

Mr. PEARRE. Did not the gentleman from Wisconsin state in the debate on December 16, in response to a question by the gentleman from Missouri, that the actual increase to the District was only $600,000?

Mr. BABCOCK. No. I am speaking about the expenditure by the District and the General Government. The entire amount over and above the present law, the estimates that were agreed upon, is $1,600,000.

Mr. PEARRE. How much is the total increase of cost of the whole scheme?

Mr. BABCOCK. I am speaking about the cost to the District and the General Government.

Mr. PEARRE. I know; but what is the whole increased cost over 1901?

Mr. BABCOCK. The increased cost for elevation of the tracks——

Mr. PEARRE. I ask for the whole increased cost.

Mr. BABCOCK. Gentlemen, I am going to answer this question in my own way. The elevation is not half as high; it is not as long; but, gentlemen, are we going outside of the District of Columbia, into the State of Maryland, and pay for branch roads and spurs not in the District? Is that a part of the cost for elevation?

Mr. PEARRE. Is there any provision in the bill for that?

Mr. PALMER. How much more is it going to cost the railroads to go into the union depot scheme?

Mr. BABCOCK. I will answer as rapidly as I can.

Mr. PALMER. We have heard about the $1,600,000 that they are to pay for going to the Massachusetts avenue site; but I want to know how much the two railroads have to pay in the way of money if they go into this scheme.

Mr. BABCOCK. This bill will cost the Pennsylvania Railroad Company for track elevation $259,000 more than the present law; it will cost the Baltimore and Ohio Railroad Company $1,330,000 less than the present law.

Mr. PALMER. That is for track elevation. Now, go on and tell us about the rest.

Mr. BABCOCK. That is for track elevation. That relates to the elimination of grade crossings. It does not cover the building of new roads or the building of tunnels or depots. Who ever heard of a municipal government, or any other government, building depots and tunnels for any railway corporation?

Mr. PEARRE. May I ask the gentleman one question? Why is it necessary to build this tunnel and this $4,000,000 station?

Mr. BABCOCK. I want to answer another question—a question propounded by the gentleman from New York [Mr. SHERMAN]. It has been shown to this House over and over again that this proposition is one that has been forced upon the roads. The gentleman from New York stated to the House that the railroad companies were urged into this project against their wishes; that it was a plan of the late Senator McMillan. He did not draw the proper distinction between the C street site and the Massachusetts avenue site. The C street site is the one which the railroad companies agreed to, and for which they filed their plans. That was the site that the House committee adopted and agreed to. The Massachusetts avenue site, in contradistinction to the C street site, was the Senate plan—not as against the present law, but only between the two sites. The House must not misunderstand as to the proposition which was urged upon these roads.

Mr. SHERMAN. I ask the gentleman to yield for a single question. Was I not correct in my statement that the first application for a change of law two years ago came from the Government rather than from the railroad?

Mr. BABCOCK. So far as the Massachusetts avenue site is concerned, that is correct. I found the plans for a union station at C street on file in the Commissioners' office, much to my surprise, after our committee had adopted the plan.

Mr. PEARRE. Was not that plan inaugurated by the Senator?

Mr. BABCOCK. I think not—not the C street site.

Now, Mr. Speaker, I will occupy only a moment more. This is a matter of dollars and cents. It is a matter in which the District Committee has sought to do full justice to the roads; and I believe that the only way in which this matter can be properly and equitably adjusted is for the House to vote down the motion of the gentleman from Pennsylvania. I ask you, Mr. Speaker, how can we, or any of us, defend ourselves in voting to the Baltimore and Ohio Railroad Company the sum of $500,000 when the facts and the figures show that by this legislation they save $1,330,000?

Mr. Speaker, I ask for the yeas and nays on this proposition, because I believe that every man who votes upon it should make his record.

Several MEMBERS. That is right.

[Cries of "Vote!" "Vote!"]

The SPEAKER. Is a separate vote demanded upon the amendments of the gentleman from Pennsylvania? [A pause.] If not, they will be submitted in gross.

Mr. LATIMER. I should like to make a motion, as a substitute for the two motions already pending, that the House ask for a free conference with the Senate.

The SPEAKER. That is not in order now. As the Chair understands, the yeas and nays are demanded.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 101, answered "present" 10, not voting 83; as follows:

YEAS—157.

Acheson,	Deemer,	Jackson, Md.	Ryan,
Adams,	Dick,	Jenkins,	Schirm,
Aexander,	Dovener,	Joy,	Scott,
Allen, Me.	Draper,	Kahn,	Shattuc,
Ball, Del.	Dwight,	Ketcham,	Shelden,
Bankhead,	Eddy,	Kluttz,	Sherman,
Bartholdt,	Emerson,	Knapp,	Showalter,
Bates,	Evans,	Kyle,	Sibley,
Beidler,	Fitzgerald,	Lacey,	Small,
Bellamy,	Fletcher,	Landis,	Smith, Ill.
Billmeyer,	Flood,	Lessler,	Smith, Iowa
Bishop,	Foerderer,	Lester,	Smith, H. C.
Blackburn,	Fordney,	Lewis, Pa.	Southwick,
Blakeney,	Foster, Vt.	Lindsay,	Sparkman,
Boreing,	Fowler,	Littlefield,	Sperry,
Brandegee,	Gardner, Mich.	Long,	Steele,
Bristow,	Gardner, N. J.	Loudenslager,	Stewart, N. Y.
Brownlow,	Gibson,	Lovering,	Storm,
Bull,	Gillet, N. Y.	McDermott,	Sulloway,
Burk, Pa.	Goldfogle,	McLachlan,	Swann,
Burke, S. Dak.	Gordon,	Mahon,	Tawney,
Burleigh,	Graff,	Martin,	Tayler, Ohio
Butler, Pa.	Graham,	Mercer,	Taylor, Ala.
Calderhead,	Greene, Mass.	Mickey,	Thayer,
Capron,	Grosvenor,	Miller,	Thomas, Iowa
Cassel,	Grow,	Moody,	Tompkins, Ohio
Cassingham,	Hanbury,	Morgan,	Van Voorhis,
Conner,	Haskins,	Morrell,	Vreeland,
Coombs,	Haugen,	Moss,	Wachter,
Corliss,	Hay,	Nevin,	Wadsworth,
Creamer,	Heatwole,	Newlands,	Wanger,
Cromer,	Hedge,	Norton,	Warner,
Crowley,	Hepburn,	Olmsted,	Warnock,
Crumpacker,	Hill,	Overstreet,	Weeks,
Curtis,	Hooker,	Palmer,	Wiley,
Cushman,	Hopkins,	Patterson, Pa.	Woods,
Dalzell,	Howell,	Pearre,	Young.
Davey, La.	Hughes,	Powers, Mass.	
Davis, Fla.	Irwin,	Ransdell, La.	
Dayton,	Jack,	Roberts,	

NAYS—101.

Adamson,	Esch,	Little,	Robinson, Ind.
Allen, Ky.	Feely,	Livingston,	Robinson, Nebr.
Babcock,	Finley,	Lloyd,	Rucker,
Ball, Tex.	Fleming,	McAndrews	Russell,
Bell,	Foss,	McCulloch,	Scarborough,
Bowie,	Gaines, W. Va.	Maddox,	Shallenberger,
Breazeale,	Gardner, Mass.	Mahoney,	Sheppard,
Brick,	Gilbert,	Miers, Ind.	Sims,
Brown,	Gill,	Moon,	Slayden,
Brundidge,	Hemenway,	Mudd.	Smith, Ky.
Burgess,	Henry, Conn.	Needham,	Smith, S. W.
Burkett,	Henry, Tex.	Neville,	Snodgrass,
Burton,	Hitt,	Otjen,	Southard,
Butler, Mo.	Holliday,	Padgett,	Stark,
Candler,	Howard,	Parker,	Sulzer,
Cannon,	Hull,	Payne,	Tate,
Clayton,	Johnson,	Perkins,	Thomas, N. C.
Cochran,	Jones, Va.	Pierce,	Trimble,
Cooney,	Kehoe,	Powers, Me.	Underwood,
Cooper, Tex.	Kern,	Randell, Tex.	White,
Cowherd,	Kitchin, Claude	Reid,	Williams, Ill.
Darragh,	Kitchin, Wm. W.	Rhea,	Williams, Miss.
De Armond,	Lamb,	Richardson, Ala.	Zenor.
Dinsmore,	Latimer,	Richardson, Tenn	
Dougherty,	Lawrence,	Rixey,	
Driscoll,	Lewis, Ga.	Robb,	

ANSWERED "PRESENT"—10.

Benton,	Mann,	Morris,	Robertson, La.
Foster, Ill.	Maynard,	Prince,	
Hamilton,	Metcalf,	Pugsley,	

NOT VOTING—83.

Aplin,	Douglas,	Lever,	Shafroth,
Barney,	Edwards,	Littauer,	Skiles,
Bartlett,	Elliott,	Loud,	Smith, Wm. Alden
Belmont,	Flanagan,	McCall,	Snook,
Bingham,	Fox,	McCleary,	Spight,
Boutell,	Gaines, Tenn.	McClellan,	Stephens, Tex.
Bowersock,	Gillett, Mass.	McLain,	Stevens, Minn.
Brantley,	Glass,	McRae,	Stewart, N. J.
Bromwell,	Glenn,	Marshall,	Sutherland,
Broussard,	Gooch,	Meyer, La.	Swanson,
Burleson,	Green, Pa.	Minor,	Talbert,
Burnett,	Griffith,	Mondell,	Thompson,
Caldwell,	Griggs,	Mutchler,	Tirrell,
Clark,	Henry, Miss.	Naphen,	Tompkins, N. Y.
Connell,	Hildebrant,	Patterson, Tenn.	Vandiver,
Conry,	Jackson, Kans.	Pou,	Watson,
Cooper, Wis.	Jett,	Reeder,	Wheeler,
Cousins,	Jones, Wash.	Reeves,	Wilson,
Currier,	Kleberg,	Ruppert,	Wooten,
Dahle,	Knox,	Selby,	Wright.
Davidson,	Lassiter,	Shackleford,	

The Clerk announced the following pairs:

For the session:

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. MCCALL with Mr. MCCLELLAN.

For the vote:

Mr. CONNELL with Mr. STEPHENS of Texas.

Mr. BROMWELL with Mr. BENTON.

Mr. LITTAUER with Mr. GILLETT of Massachusetts.

Mr. MINOR with Mr. BURLESON.

Mr. HAMILTON with Mr. POU.

Mr. MARSHALL with Mr. LEVER.

Mr. BOWERSOCK with Mr. SNOOK.

Mr. LOUD with Mr. MCLAIN.

Mr. REEVES (against Senate amendment) with Mr. CALDWELL (for Senate amendment).

Until further notice:

Mr. BOUTELL with Mr. GRIGGS.

Mr. MORRIS with Mr. GLASS.

Mr. MOSS with Mr. GOOCH.

Mr. WM. ALDEN SMITH with Mr. SHACKLEFORD.

Mr. PRINCE with Mr. GRIFFITH.

Mr. METCALF with Mr. WHEELER.

Mr. BINGHAM with Mr. ELLIOTT.

Until Monday:

Mr. SUTHERLAND with Mr. FOSTER of Illinois.

For the day:

Mr. MCCLEARY with Mr. MCRAE.

Mr. TOMPKINS of New York with Mr. ROBERTSON of Louisiana.

Mr. KNOX with Mr. JACKSON of Kansas.

Mr. JONES of Washington with Mr. GREEN of Pennsylvania.

Mr. DAVIDSON with Mr. FOX.

Mr. DAHLE with Mr. BURNETT.

Mr. CURRIER with Mr. BROUSSARD.

Mr. COOPER of Wisconsin with Mr. BRANTLEY.

Mr. BARNEY with Mr. THOMPSON.

Mr. MONDELL with Mr. GAINES of Tennessee.

Mr. STEVENS of Minnesota with Mr. SWANSON.

Mr. STEWART of New Jersey with Mr. VANDIVER.

Mr. WRIGHT with Mr. WOOTEN.

Mr. TIRRELL with Mr. CONRY.

Mr. DOUGLAS with Mr. MEYER of Louisiana.

Mr. APLIN with Mr. CLARK.

Mr. MANN with Mr. JETT.

Mr. SKILES with Mr. PATTERSON of Tennessee.

Mr. COUSINS with Mr. BARTLETT.

Mr. WATSON with Mr. PUGSLEY.

Mr. REEDER with Mr. RUPPERT.

Mr. MANN. Mr. Speaker, I voted "no" on the roll call. I am paired with my colleague [Mr. JETT]. I desire to change my vote and to answer "present."

The Clerk called the name of Mr. MANN and he answered "present."

The result of the vote was announced as above recorded.

On motion of Mr. MORRELL, a motion to reconsider the last vote was laid on the table.

FIRST CUSTOMS CONGRESS OF AMERICAN REPUBLICS.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, relative to the proceedings of the First Customs Congress of the American Republics, held at New York in January, 1903.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 25, 1903.*

The message and accompanying documents were ordered to be printed, and referred to the Committee on Ways and Means.

WILLIAM W. M'ALLISTER.

By unanimous consent, on motion of Mr. SMITH of Iowa, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of William W. McAllister, Fifty-seventh Congress, no adverse report having been made thereon.

HOUSE BILLS LAID ON THE TABLE.

The SPEAKER laid before the House the following House bills, similar to Senate bills that have passed the House, with the request that the House bills be ordered to lie on the table; which request, by unanimous consent, was agreed to:

H. R. 9676. A bill appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands;

H. R. 12913. A bill to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes;

H. R. 14107. A bill adjusting certain conflicts respecting State school indemnity selections in lieu of school selections in abandoned military reservations;

H. R. 16760. A bill granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, in the Territory of Arizona;

H. R. 16882. A bill to establish a light-house depot for the Second light-house district, Boston Harbor, Massachusetts;

H. R. 15201. A bill to allot the lands of the Cherokee tribe of Indians in Indian Territory, and for other purposes;

H. R. 6539. A bill providing for the extension of the Loudoun Park National Cemetery, near Baltimore, Md.;

H. R. 16974. A bill permitting the building of a dam across the St. Croix River at or near the village of St. Croix Falls, Polk County, Wis.;

H. R. 17244. A bill to provide for the removal of persons accused of crime to and from the Philippine Islands for trial;

H. R. 17155. A bill to authorize the Pittsburg, Carnegie and Western Railroad Company to construct, maintain, and operate a bridge across the Allegheny River;

H. R. 1114. A bill for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin;

H. R. 17287. A bill removing fire limit on post-office grounds at Bridgeport, Conn.;

H. R. 17446. A bill authorizing the Secretary of State to cause the destruction of invoices filed in consular offices for more than five years;

H. J. Res. 203. A joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Arturo R. Calvo, of Costa Rica;

H. R. 16458. A bill to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies;"

H. R. 14375. A bill to authorize the President to appoint Brig. Gen. H. C. Maman to the grade of major-general in the United States Army on the retired list;

H. R. 948. A bill for the relief of William Dugdale, postmaster at Noroton Heights, Conn.; and

H. Res. 254. A resolution referring claim of R. H. Dunaway to Court of Claims.

INCREASE OF PENSION FOR LOSS OF LIMBS.

Mr. SULLOWAY. Mr. Speaker, I call up the conference report on the bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States or are totally disabled in the same.

The SPEAKER. The gentleman from New Hampshire calls up a conference report, which will be read by the Clerk.

The conference report and statement were read.

[For text of the conference report and statement see record of House proceedings of February 24.]

Mr. SULLOWAY. Mr. Speaker, I hardly think it necessary to make any statement. I think this matter is well understood by the House. The logic of it all is that the Senate has agreed to all of the amendments of the House with two exceptions, one increasing the pensions of all who lost limbs at any time up to date, whereas the House fixed the limit previous to 1886.

Mr. WILLIAMS of Illinois. I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield for a question?

Mr. SULLOWAY. Most certainly.

Mr. WILLIAMS of Illinois. Does the gentleman from New Hampshire think that in case this report is voted down there is any possible chance to get the Senate to agree to the amendments of the House increasing the pensions of soldiers drawing pensions under the act of 1890 for twelve months' service, and totally helpless, to $30 a month?

Mr. SULLOWAY. If the gentleman will pardon me—not the slightest. The conferees stood out for that until there was absolutely no hope that that could be done at this session of Congress.

Mr. WILLIAMS of Illinois. The House conferees were all in favor of that amendment?

Mr. SULLOWAY. Unanimously; and stood for it for several weeks.

Mr. WILLIAMS of Illinois. There was no hope of agreeing to the amendment by the Senate?

Mr. SULLOWAY. Not the slightest.

Mr. MIERS of Indiana. The House has adopted a liberal policy toward the old soldier. Many service pension bills have been introduced and referred to the Committee on Invalid Pensions. Some of them are based solely on service, and some have an age limit. The members of the committee generally favor a service pension and are of the opinion that a man's honorable service and his discharge should, as nearly as possible, be made his pension certificate. Of course it would require more than his discharge if the soldier draws his pension for injury received or disease incurred while in the line of service. His disabilities may be far in excess of any that could be compensated by a mere service pension. The expert accountant has been at work and attempts to show that the increase of cost would be so great that some members of the committee are not quite ready to subscribe to a service pension. I believe such a bill would pass the House if presented. For one, I am not scared off by this great claim of increased cost. I would much prefer to rely on the figures presented by our distinguished and worthy chairman of the committee. But whichever may prove correct, I am not ready to abandon a service pension. Let the cost be what it will, I am in favor of taking care of the men who fight the battles.

When Senate bill No. 4850, known as the limbless bill, was taken up for consideration, the Committee on Invalid Pensions amended the same by adding section 2, which provides for a pension of $30 a month for all honorably discharged soldiers with one year's service who are totally helpless and require the aid and attendance of another. The House promptly passed the Senate bill with this section added. The Senate refused to concur, and a conference was the result. The House conferees have insisted on this amendment; the Senate conferees declined to agree to the same. The House is now called on to say whether its conferees shall further insist or will the House recede. I desire to state that, personally, I am heartily in favor of the House amendment. I believe this great and generous Government is desirous of taking care of any and every honorably discharged soldier who is paralyzed, blind, or rendered wholly helpless for any cause, and that none of her citizens who risked their lives for the Republic when it was in great peril should ever be compelled to become an inmate of any public almshouse. Your conferees have labored with diligence, but have been unable to induce the Senate conferees to concur in the House amendment.

I do not think it worth while to insist longer, but think the House must recede or the bill increasing the limbless soldiers' pension must suffer defeat. This would be wrong and injurious to the men who gave for their country that which was next to their lives—a limb or limbs. These men are getting old, and have suffered and endured for forty years privations and pains that no language can describe. Shall we increase their pension or shall we further insist and thereby defeat their bill? As much as I dislike to, I am ready to recede and pass the Senate bill. To defeat the Senate bill would not in any way aid the class of soldiers we would provide for by the House amendment. My rule of action has always been to do as much good as I could and as little harm as possible. So in this instance I favor the passage of this bill, thereby doing justice to this one very worthy class and then keep up the agitation, hoping that in the course of time public sentiment will become so strong and outspoken as to move the dignified Senate to do its duty to all classes of soldiers, as all endured and suffered much that the Union of States might remain forever.

I desire again to call the attention of the House and the country to another evidence of the fact that this is a united country. Every bill that has been reported to the House by the Invalid Pensions Committee has met with approval and passed the House. There has been no division along party or sectional lines. The Representatives of the Southern States have been as liberal and generous to the Union soldiers as have been the Representatives of the Northern States. Where a Union soldier has become a resident of a Southern State, we find his Representative in Congress presenting his claims and urging a bill for his relief as persistently and with as much good will and enthusiasm as any of the Representatives from the Northern States. The new South and the new North stand as one man for everything and every man who wrought for the great American Republic.

Mr. ALEXANDER. Mr. Speaker, I desire to ask the chairman of the Committee on Invalid Pensions a question.

Mr. SULLOWAY. I yield to the gentleman.

Mr. ALEXANDER. What is the reason why the Senate will not allow the House provision granting $30 a month to soldiers unable to take care of themselves or requiring the constant attendance of another to remain in the bill?

Mr. SULLOWAY. The Senate conferees took the position that it does not follow necessarily that their disabilities were contracted in the service, and they had some information or figures which they presented, which I think were tremendously exaggerated as to the burden it would impose upon the Government, and these were the arguments or reasons that were presented, and finally they said that they would not recommend the amendment to their body under any conditions during this session of Congress. I presume I ought not to say anything further on that proposition.

The SPEAKER. The question is on agreeing to the report of the committee of conference.

The question was taken, and the report was agreed to.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I call up the conference report upon the bill (H. R. 16567) making appropriations for the support of the Army.

The SPEAKER. The gentleman from Iowa calls up the conference report on the Army appropriation bill.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the statement only may be read.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the statement only be read. Is there objection?

Mr. RICHARDSON of Tennessee. Before consent is given, may I ask the gentleman if that is a unanimous report?

Mr. HULL. It is a unanimous report.

Mr. RICHARDSON of Tennessee. All the conferees have signed it?

Mr. HULL. All the conferees have signed it.

Mr. RICHARDSON of Tennessee. Then I do not object.

The SPEAKER. It is so ordered.

[For conference report and statement, see page 2590.]

Mr. HULL and Mr. SULZER rose.

The SPEAKER. The gentleman from Iowa.

Mr. HULL. Does the gentleman desire any time to discuss it?

The SPEAKER. For what purpose does the gentleman rise?

Mr. SULZER. Mr. Speaker, I want to ask the gentleman from Iowa if that provision in the bill regarding retirement has been eliminated? From the reading of the report I believe it has.

Mr. HULL. The amendment of the Senate in regard to retirement has been eliminated by the Senate receding from their amendment.

Mr. SULZER. And there is no provision now in the bill regarding retirement?

Mr. HULL. Not at all.

Mr. SULZER. Then I wish to say that I regret very much that provision has been left out. I was in favor of it and thought it was practically agreed to. If I had been on the conference committee I would not have consented to striking that provision out. It should be in, and I would have insisted on keeping it in. But it is too late now, I regret to say, to do anything. Some other time I shall do what ought to be done in this matter.

Mr. HULL. Mr. Speaker, if there is no other question, I will ask for a vote on the report.

Mr. SLAYDEN. Mr. Speaker, I desire a minute or two. As I understand it, the item for the purchase of the Heitman manuscript has been agreed to in the conference?

Mr. HULL. It has not. I will say to the gentleman from Texas that on all the amendments where a separate vote was demanded the conferees accepted the action of the House as in the nature of an instruction, while it was not a positive instruction. And while all the conferees were agreed, after an examination of the matter, that the Heitman amendment should be incorporated in the bill, out of deference to the House, and there being no instruction in regard to the matter, it was decided to report it back disagreed to, with the understanding that a motion was to be made to concur in the Senate amendment.

Mr. SLAYDEN. Mr. Speaker, I would like to have two or three minutes.

Mr. HULL. Well, that matter is not up now. If the gentleman wants it now I will gladly yield; but the question is upon the adoption of the report, and the next will be on that motion.

The SPEAKER. The question is on agreeing to the conference report.

Mr. THAYER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. THAYER. For the purpose of asking the gentleman a question.

Mr. HULL. I yield to the gentleman.

Mr. THAYER. What provision is there in the bill now for the purchase of Balls Bluff battlefield? Is it in the bill?

Mr. HULL. It is not. The Senate receded from their amendment; so that is eliminated from the bill.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the report of the committee of conference was agreed to.

Mr. HULL. Mr. Speaker, I regret that the gentleman from Virginia, the representative of the minority upon the conference, is not here. I am instructed, Mr. Speaker, now to move that the House recede from its disagreement to amendment No. 3 and agree to the same, and I will ask the Clerk to read amendment No. 3.

The Clerk read as follows:

(3) To enable the Secretary of War to purchase from Francis B. Heitman, the compiler thereof, the manuscript of the Historical Register of the United States Army, compiled from the official records of the War Department from 1789 to the date of the passage of this act, $3,000, to be immediately available; and for printing an edition of 6,000 copies of said register by the Public Printer, 1,000 for the use of the Senate, 2,000 for the use of the House of Representatives, and 3,000 for the War Department, and from the copies allotted to the War Department each Government depository shall be supplied with one copy, $12,000.

Mr. HULL. I will now ask the Clerk to read also the following letter from the Secretary of War, which I send to the Clerk's desk.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, February 24, 1903.

Hon. JOHN A. T. HULL,
Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.

SIR: Upon a suggestion that I should advise your committee whether or not I am in favor of having the "amendment for the purchase and printing of the Heitman Army Register" retained in the Army appropriation bill, I have the honor to say that this provision was referred to me by the Senate Military Committee last month for my recommendation, and was returned to the committee with a statement that I concurred in the report of the Adjutant-General thereon, recommending favorable action.

The chiefs of the several War Department bureaus and other prominent officers of the Army, the Commissioner of Pensions, the Auditor for the War Department, and other public officials, whose opinions as to the value of a publication of this sort are entitled to the greatest consideration, and who will have occasion to use it constantly if it be issued, have strongly expressed themselves in favor of the proposed legislation, and I do not hesitate to accept their views in the matter.

Very respectfully,
ELIHU ROOT,
Secretary of War.

Mr. MANN. Mr. Speaker——

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Illinois?

Mr. HULL. I will yield for a question.

Mr. MANN. I suppose it is too late to make any change in the wording of the amendment. But if it should be agreed to, I notice that it provides for the publication of 3,000 copies for the use of the War Department, out of which the public depositories shall receive one each. I wish to call attention to the law which provides that wherever a public document is printed, there goes with the order the usual number, which means one for each member of Congress, one for each executive office, and one for each public depository. So, under this amendment the public depositories will receive two copies of this volume if it is ordered printed. I ask if there is any way of escaping that now?

Mr. HULL. I should say we had better adopt it or reject it as a whole. I do not think that ought to be a sufficient objection to it. I will now yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, the two Houses have so nearly agreed, the only point of difference being the appropriation to purchase Mr. Heitman's manuscript and publication of the list of the officers of the Army, that I am not disposed to make any captious opposition. I will content myself with saying that I believe it is an unnecessary expenditure, and that it is waste and extravagance. Private publishers have printed such books heretofore, and I know of no reason for believing that private publishers will not print such books hereafter. These books are to be printed at the public expense for gratuitous distribution. The compilation was made by a clerical official in the War Department, and the demand for it, which has caused this legislation, was skillfully created. I think the item ought not to pass, but I shall make no further objection to it.

Mr. HULL. Mr. Speaker, I have no personal interest in this whatever. I know nothing about it except what has come to me from the War Department. I know that the conferees were willing to incorporate it into the report and let it all go together, and I believe from the evidence that we have had submitted to us it will be one of the valuable publications as a book of reference only. Now, if there is no further debate desired, I ask for a vote.

The SPEAKER. The gentleman from Iowa moves to recede and concur in this amendment.

The question was taken; and the motion was agreed to.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

ASSET CURRENCY.

Mr. FOWLER. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16228.

The SPEAKER. The gentleman from New Jersey moves that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering House bill 16228, the national-bank bill.

The question was taken; and on a division (demanded by Mr. BARTLETT) there were—ayes 53, noes 29.

Mr. BARTLETT. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The Chair is clear that there is no quorum present. The officers will close the doors and the Clerk will call the roll; those in favor of the motion of the gentleman from New Jersey will vote "aye;" those opposed will vote "no;" and those present not wishing to vote will say "present." The officers will bring in the absentees.

The question was taken; and there were—yeas 135, nays 80, answering "present" 28, not voting 108; as follows:

YEAS—135.

Acheson,	Dick,	Howell,	Palmer,
Adams,	Draper,	Hughes,	Parker,
Alexander,	Driscoll,	Hull,	Patterson, Pa.
Allen, Me.	Dwight,	Irwin,	Payne,
Babcock,	Emerson,	Jack,	Pearre,
Ball, Del.	Esch,	Jackson, Md.	Perkins,
Barney,	Evans,	Joy,	Powers, Me.
Bates,	Fletcher,	Ketcham,	Powers, Mass.
Beidler,	Foerderer,	Lamb,	Reeder,
Bishop,	Foss,	Landis,	Roberts,
Boreing,	Foster, Vt.	Lawrence,	Schirm,
Brandegee,	Fowler,	Lessler,	Shattuc,
Brick,	Gaines, W. Va.	Lindsay,	Showalter,
Bristow,	Gardner, Mass.	Littauer,	Sibley,
Brown,	Gardner, Mich.	Littlefield,	Smith, Ill.
Brownlow,	Gibson,	Long,	Smith, Iowa
Burgess,	Gill,	Loud,	Smith, H. C.
Burk, Pa	Gillet, N. Y.	McCall,	Smith, S. W.
Burke, S. Dak.	Gillett, Mass.	McCleary,	Southwick,
Burton,	Graff,	McClellan,	Sperry,
Butler, Pa.	Graham,	McDermott,	Steele,
Calderhead,	Greene, Mass.	McLachlan,	Stewart, N. J.
Cannon,	Grosvenor,	Marshall,	Tawney,
Capron,	Hamilton,	Martin,	Tayler, Ohio
Cassel,	Hanbury,	Mercer,	Thayer,
Conner,	Haskins,	Miller,	Van Voorhis,
Cooper, Wis.	Haugen,	Minor,	Vreeland,
Corliss,	Hedge,	Moody,	Wachter,
Cromer,	Hemenway,	Morgan,	Wanger,
Crumpacker,	Henry, Conn.	Mudd,	Warner,
Currier,	Hepburn,	Needham,	Warnock,
Dalzell,	Hill,	Nevin,	Woods,
Darragh,	Hitt,	Olmsted,	Young.
Davidson,	Holliday,	Overstreet,	

NAYS—80.

Adamson,	Fitzgerald,	Lloyd,	Sheppard,
Allen, Ky.	Fleming,	Mahoney,	Sims,
Bankhead,	Flood,	Mickey,	Slayden,
Bell,	Gilbert,	Miers, Ind.	Small,
Benton,	Goldfogle,	Moon,	Smith, Ky.
Billmeyer,	Gooch,	Neville,	Snodgrass,
Bowie,	Gordon,	Norton,	Snook,
Breazeale,	Griggs,	Padgett,	Sparkman,
Brundidge,	Hay,	Randell, Tex.	Stark,
Burleson,	Henry, Tex.	Ransdell, La.	Sulzer,
Caldwell,	Howard,	Rhea,	Swann,
Candler,	Johnson,	Richardson, Ala.	Tate,
Clayton,	Kehoe,	Rixey,	Thomas, N. C.
Cochran,	Kern,	Robb,	Thompson,
Cowherd,	Kitchin, Claude	Robertson, La.	Trimble,
Crowley,	Kitchin, Wm. W.	Robinson, Ind.	Underwood,
De Armond,	Kluttz,	Russell,	White,
Dougherty,	Latimer,	Rucker,	Wiley,
Feely,	Lester,	Ryan,	Williams, Ill.
Finley,	Livingston,	Scarborough,	Williams, Miss.

ANSWERED "PRESENT"—28.

Bartlett,	Creamer,	Lewis, Pa.	Otjen,
Boutell,	Davey, La.	Mann,	Prince,
Cassingham,	Dayton,	Maynard,	Scott,
Coombs,	Deemer,	Metcalf,	Shackleford,
Cooney,	Foster, Ill.	Mondell,	Shallenberger,
Cooper, Tex.	Jenkins,	Morrell,	Stephens, Tex.
Cousins,	Knapp,	Morris,	Taylor, Ala.

NOT VOTING—108.

Aplin,	Eddy,	Lassiter,	Shafroth,
Ball, Tex.	Edwards,	Lever,	Shelden,
Bartholdt,	Elliott,	Lewis, Ga.	Sherman,
Bellamy,	Flanagan,	Little,	Skiles,
Belmont,	Fordney,	Loudenslager,	Smith, Wm. Alden
Bingham,	Fox,	Lovering,	Southard,
Blackburn,	Gaines, Tenn.	McAndrews,	Spight,
Blakeney,	Gardner, N. J.	McCulloch,	Stevens, Minn.
Bowersock,	Glass,	McLain,	Stewart, N. Y.
Brantley,	Glenn,	McRae,	Storm,
Bromwell,	Green, Pa.	Maddox,	Sulloway,
Broussard,	Griffith,	Mahon,	Sutherland,
Bull,	Grow,	Meyer, La.	Swanson,
Burkett,	Heatwole,	Moss,	Talbert,
Burleigh,	Henry, Miss.	Mutchler,	Thomas, Iowa
Burnett,	Hildebrant,	Naphen,	Tirrell,
Butler, Mo.	Hooker,	Newlands,	Tompkins, N. Y.
Clark,	Hopkins,	Patterson, Tenn.	Tompkins, Ohio
Connell,	Jackson, Kans.	Pierce,	Vandiver,
Conry,	Jett,	Pou,	Wadsworth,
Curtis,	Jones, Va.	Pugsley,	Watson,
Cushman,	Jones, Wash.	Reeves,	Weeks,
Dahle,	Kahn,	Reid,	Wheeler,
Davis, Fla.	Kleberg,	Richardson, Tenn.	Wilson,
Dinsmore,	Knox,	Robinson, Nebr.	Wooten,
Douglas,	Kyle,	Ruppert,	Wright.
Dovener,	Lacey,	Selby,	Zenor.

So the motion that the House resolve itself into Committee of the Whole for the consideration of House bill 16228 was agreed to.

The following additional pairs were announced:

For the session:

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. KAHN with Mr. BELMONT.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. DEEMER with Mr. MUTCHLER.

Mr. SHERMAN with Mr. RUPPERT.

Until further notice:

Mr. DOVENER with Mr. BROUSSARD.

Until Friday next:

Mr. SCOTT with Mr. JACKSON of Kansas.

For the balance of the day:

Mr. JENKINS with Mr. WILSON.

Mr. MAHON with Mr. MADDOX.

Mr. BARTHOLDT with Mr. BELLAMY.

Mr. BLACKBURN with Mr. BUTLER of Missouri.

Mr. LOUDENSLAGER with Mr. DINSMORE.

Mr. BLAKENEY with Mr. EDWARDS.

Mr. BOWERSOCK with Mr. FLANAGAN.

Mr. BULL with Mr. HENRY of Mississippi.

Mr. BURKETT with Mr. HOOKER.

Mr. BURLEIGH with Mr. JONES of Virginia.

Mr. CURTIS with Mr. MCANDREWS.

Mr. CUSHMAN with Mr. KLEBERG.

Mr. EDDY with Mr. LASSITER.

Mr. FORDNEY with Mr. LITTLE.

Mr. GARDNER of New Jersey with Mr. MCCULLOCH.

Mr. HOPKINS with Mr. NEWLANDS.

Mr. KYLE with Mr. DAVIS of Florida.

Mr. LEWIS of Pennsylvania with Mr. NAPHEN.

Mr. OTJEN with Mr. POU.

Mr. SHELDEN with Mr. REID.

Mr. SOUTHARD with Mr. ROBINSON of Nebraska.

Mr. STORM with Mr. SELBY.

Mr. SULLOWAY with Mr. TALBERT.

Mr. THOMAS of Iowa with Mr. TAYLOR of Alabama.

Mr. WADSWORTH with Mr. ZENOR.

Mr. TOMPKINS of Ohio with Mr. SPIGHT.

On this vote:

Mr. HEATWOLE with Mr. BRANTLEY.

Mr. GROW with Mr. RICHARDSON of Tennessee.

Mr. LACEY with Mr. SHAFROTH.

Mr. BOUTELL with Mr. GRIGGS.

Mr. LOVERING with Mr. PIERCE.

The result of the vote was announced as above stated.

A quorum being present, the Doorkeeper was directed by the Speaker pro tempore (Mr. ADAMS) to open the doors.

The House, in pursuance of the vote just taken, resolved itself into Committee of the Whole House on the state of the Union (Mr. LAWRENCE in the chair) and resumed the consideration of the bill (H. R. 16228) providing for the issue and circulation of national-bank notes.

Mr. PUGSLEY obtained the floor and said: I yield five minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, I represent, in part, a peculiarly wage-earning community, the densest hive of human industry on the face of the earth—Pittsburg, Allegheny County, Pa.—the center of the greatest population in the United States outside of New York and Philadelphia, and what is now acknowledged to be the greatest manufacturing section of the world. Of course it will be conceded that it requires money, and large amounts of it, to carry on this manufacturing, and as an evidence of its existence there I will state that the capital, surplus, and deposits of the banks—national, State, and savings—of this one county exceed the combined capital, surplus, and deposits of the banks of eight Southern States—viz, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and North and South Carolina—represented in this Congress by 57 Members.

Currency is only a tool, an implement, for use in the hands of the business men of the country. Common sense suggests that the people who need to work in this country should have all the tools or implements that they need to work with, whether it be axes, shovels, hoes, hammers, steam engines, cars, or currency. The greatest labor-saving instrument in use in the country to-day is the currency, which is supplemented and enlarged many times over by the use of bank checks, but at the bottom of all the tremendous use of credits, which are made by means of bank checks, must be a currency sufficient in volume and flexibility to redeem those checks in the actual legal tender of the country whenever and wherever there may be any call or demand therefor. It is well known that, in round numbers, about 95 per cent of the business of the country is done by means of bank checks and other instruments of credit which are not legal tender. This medium is all very well for the larger commercial transactions, but in many localities, and in none more than my own, there is a strong demand and a continuous need for the actual circulating medium of the country, which must pass from hand to hand and everywhere accepted for the purchase of commodities and the payment of debts.

In the extensive manufacturing industries of my section of the country we have a single establishment employing 25,000 men, and scores whose employees run into the thousands. These men, as a rule, are paid every two weeks, and must be, or at least in accordance with established customs are, paid in cash—the actual coin and paper money of the country. More currency per capita is therefore required there than in any other section. The consequent demand for currency is tremendous, and it must be met or the industries will suffer. Oftentimes the strain upon the banks to meet and supply this demand is extreme. Why should this be? There is no reason at all why, with a properly regulated currency, such as this bill would give us, we should not have a most ample supply of the circulating medium whose use is so essential.

For months the country has known of the congestion of freights and the consequent loss and damage to the business interests from the shortage of cars to move the coal, iron, steel, and glass products. It was most seriously felt in Pittsburg, whose railroad tonnage is, as I have already stated on the floor of this House, greater than that of any other city in the world, being in excess of the combined railroad tonnage of New York and Chicago. Five thousand loaded railroad cars enter and depart daily, and, including the Connellsville coke region, over 2,000,000 railroad cars are loaded there annually.

The inconvenience from the shortage of currency has been, and is liable to continue to be, at times almost equally as serious as the car shortage. Would anyone for a moment vote to keep upon our statute books a law which would limit the number of cars the railroad companies should be allowed to furnish for the use of the public? Why, then, should the banks of the country, which, in the form of currency, furnish to the business interests of the country a feature as necessary as is transportation, be hampered with a limit in the amount which they can put forth. Under wise and proper restriction they should be as free to furnish currency when needed as the railroads are to furnish cars. In both cases the law of supply and demand ought to have free play. There should be no restriction placed upon the energies of our business men, nor should they be hampered for want of an ample supply of this the most useful adjunct of modern business—a sound, safe, flexible currency. By the passage of this bill we will be taking a long step in that direction. Through it we may hope to be put on a par in this respect with the other civilized countries of the world.

I have mailed copies of this bill to most of the bankers and many of the leading manufacturers and business men of the country, requesting their views upon this measure. Replies have been almost invariably favorable, a few only making criticism upon some minor feature of the bill.

I have endeavored briefly to present a few reasons from the standpoint of a business man why I favor this bill, and I trust the average good common sense of the members of this Congress will lead them to agree in placing this measure upon our statute books.

Mr. CLAYTON. Mr. Chairman, I rise to a parliamentary inquiry. For two days I have assiduously sought an opportunity to make a funeral oration on the now defunct "Fowler bill." I have gone to the members of the committee and asked for time. I have appealed to the Chair. No time has been allotted me; and now I desire to know whether, in the progress of this debate, I may have an opportunity to offer a few observations on the demise of the celebrated "Fowler bill."

Mr. HILL. Mr. Chairman, I would suggest to the gentlemen on that side of the House, in reply to the parliamentary inquiry of the gentleman from Alabama, that if they would stop filibustering on that side of the House——

Mr. CLAYTON. Mr. Chairman, I will not be lectured on good manners by the gentleman from Connecticut, who knows nothing about good manners.

The CHAIRMAN. The committee will be in order. The Chair will answer the parliamentary inquiry.

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. The Chair desires to answer——

Mr. BARTLETT. But, Mr. Chairman, I hope before the Chair answers it that he will permit me to make a statement.

The CHAIRMAN. Very well.

Mr. BARTLETT. And the House also. Mr. Chairman——

Mr. OVERSTREET. Mr. Chairman, a parliamentary inquiry.

Mr. KLUTTZ. "Where are we at?"

Mr. OVERSTREET. Mr. Chairman, I would like to ask the gentleman from Georgia [Mr. BARTLETT] if he did not demand the regular order.

Mr. BARTLETT. I did; yes.

The CHAIRMAN. The committee will be in order. The Chair desires at this time to answer the parliamentary inquiry of the gentleman from Alabama. The Chair will state that no arrangement with reference to division of time has been made pending this debate, that the Chair does not recall that the gentleman from Alabama has ever arisen and addressed the Chair indicating an intention or a desire to speak on the bill.

Mr. CLAYTON. Then I shall claim that privilege now.

The CHAIRMAN. The Chair will state that when the House resolved itself into the Committee of the Whole House the gentleman from New York [Mr. PUGSLEY] was recognized in his own right, which gives him the privilege of proceeding for one hour. He now has the floor.

Mr. CLAYTON. Well, I just wanted to talk a little about a dead thing. [Laughter on the Democratic side.]

The CHAIRMAN. The Chair having answered the question, the gentleman from New York has the floor.

Mr. PUGSLEY. Mr. Chairman, I will yield three minutes to the gentleman from Alabama [Mr. CLAYTON]. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from Alabama is recognized for three minutes.

Mr. CLAYTON. Mr. Chairman, I wish I had longer time, not to talk about this particular bill, for that is already dead, and we ought not to say anything but good of the dead; but I would like to point out some of the shortcomings of the Republican party in the matter of currency legislation. Now, you have been in power for six years, and session after session you have confessed your incompetency to deal with the currency question. You have brought forward, after six years of assiduous labor, the Fowler bill, which has been condemned by bankers, which has not met the approval of the business interests of the country, and is now spit upon by the Republican membership in this House, and awaits only a few hours to receive some sort of decent form of interment.

You brought forward this bill which the gentleman from New Jersey [Mr. FOWLER] undertook in a very labored argument to explain, but he has convinced nobody, it seems, of its merits. He brought forward five or six diagrams with zigzag marks on them looking like Mount Pelee in eruption. [Laughter on the Democratic side.] When we heard that long and extensive speech of his, we thought that so far as touching the financial question was concerned we might as well have witnessed the eruption of Mount Pelee. I was told that the guides around the Capitol a few days ago, in showing the curiosities, came upon these diagrams. The visitors naturally enough said, "What are these curious things?" The guides said, "This is Mr. FOWLER'S illustration of the eruption of Mount Pelee." [Laughter.]

Now this is the Fowler bill. Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRIGGS rose.

Mr. CLAYTON. Oh, do ask for more time, I beg of you. [Laughter.]

Mr. GRIGGS. Mr. Chairman, I ask unanimous consent that the gentleman may be allowed twenty minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Alabama may be extended for twenty minutes. Is there objection?

Mr. FOWLER. I object.

Mr. CLAYTON. Ten minutes more will do.

Mr. GRIGGS. Then, Mr. Chairman, I ask for ten minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Alabama be extended for ten minutes. Is there objection?

Mr. FOWLER. I object.

Mr. CLAYTON. Oh, I won't hurt that dead thing of yours. Let me have some time.

Mr. FOWLER. I do not think you could hurt anybody or anything.

Mr. CLAYTON. Maybe I could not. I certainly could not hurt a thing as dead as you and your bill are. [Laughter on the Democratic side.] The House, just out of respect to you, let you make that oration the other day.

Mr. GRIGGS. Mr. Chairman, I ask that my request that the time of the gentleman may be extended for ten minutes be put.

The CHAIRMAN. The gentleman's request has been put and objection was made.

Mr. CLAYTON. Well, let me print something about his dead bill.

The CHAIRMAN. The gentleman from New York [Mr. PUGSLEY] is recognized.

Mr. PUGSLEY. Mr. Chairman, I will yield the gentleman from Alabama ten minutes. [Applause on the Democratic side.]

Mr. CLAYTON. Well, you see I am going to talk about your dead thing, anyhow. Mr. Chairman, this Fowler bill will not hand the name of its author down to posterity, because the child, in order to transmit the name, must be at its birth at least a breathing child.

This Fowler bill has provision for a very great inflation of the currency. It will stimulate the organization of other banks, and will probably increase our currency more than its author, Mr. FOWLER, has estimated. But it does not meet the demand of the country for emergency currency in times of financial stringency, when panics are threatened or panics are upon us. Now, let us consider a few facts pertinent to this proposed legislation.

The ratio between deposits and currency in bank has been about 10 to 1 for a long period of time (see Comptroller's reports). You will observe, page 2, the amount held by banks, according to his figures July 16, 1902, was $848,000,000, and the deposits July 1, 1902, were $9,158,000,000, or more than 10 to 1 as the ratio.

The difficulty in our finance is that money is hoarded and withdrawn from circulation in periodic times of panic. This frightens the banks, and they press their weakest borrowers and force their assets on a ruinous market. The spirit of credit which is the soul of business activity is profoundly affected and business suffers more or less.

Mr. Fowler states that the exchanges in 1902 reached $118,000,000,000. This is only external checks, and does not include the internal checks of the reporting banks or either the internal or external checks of the banks not in the clearing-house list. The actual checks drawn, which constitute an ephemeral currency would probably amount to a grand total of $300,000,000,000, or about $1,000,000,000 per diem of the working days of the year. The probable life of a check is between two and three days, so that we would probably have in actual existence on an average day of 1902 about $2,000,000,000 of ephemeral currency, consisting of checks, drafts, acceptances, bills of lading, etc., which are received as money and serve the purposes of commerce as well as money. The Comptroller's reports show that during the panics of 1873, of 1884, of 1893 the clearings were suddenly contracted 50 per cent, which is a violent shrinking of this ephemeral currency, and that the disastrous results of such a situation are not to be wondered at.

The value of the bill I suggest consists in the fact, first, that the timid depositors of the country could not, by withdrawing the currency from the banks for hoarding, thereby create mischief, because a quick method of replacing such withdrawals is here provided. (The Comptroller's reports for 1893 showed that over 18 per cent of the deposits were withdrawn from the national banks between March and October of 1893, the currency being forced back into bank by pressure on the weakest class of borrowers.) But, second, the chief value of the bill I propose consists in the fact that the business world, knowing that the Treasury would afford money upon proper security, and thus that a means was provided for restoring currency withdrawn for hoarding, the timidity which the depositors now feel would be utterly abated and no insensate fear would seize the depositors. This has been demonstrated by the experience of the Bank of England, where panics have invariably been instantly stopped when a ministerial permit has been given the Bank of England to issue £5 notes against other securities than gold.

The German method is exactly the one in principle proposed by the bill introduced by me, the German law providing that the Imperial Bank of Germany may issue legal-tender notes against other securities than gold (the bills receivable signed by two established householders), under a penalty of an interest tax higher than the normal rate. The New York Clearing House in default of a better method use their joint credit to issue clearing-house certificates, which serves the function of money and releases to them large amounts of currency in times of panic. They also use the device of issuing certified checks to depositors in suitable cases. Such devices ought not to be permitted, being in violation of law or of the right of the depositor, who may demand currency and get a certified check.

The associated banks of New York have the power under present conditions and periodic panics to use their great wealth to speculate off of the violent fluctuations in the purchasing power of money and speculate on the misfortunes of the weaker members of the great financial family conducting the business affairs of this country.

The bill proposed by me will give commercial stability to this country and enable the country to pursue in safety its magnificent structure established on the credit system by the use of checks and drafts which renders intensely fluent the currency we have. You will observe from the estimate on the volume of checks and drafts that every dollar in the banks is probably used once every day.

Now, Mr. Chairman, I have introduced into this House, although I may say that I am not a financier, and I do not think the author of the Fowler bill can justly assert that he is—I have introduced into this House the bill referred to and which some friends have been kind enough to say would provide an emergency currency.

I think it will meet some of the suggestions of the Secretary of the Treasury. Here is what he says in his last report:

I am not prepared at this time to recommend branch banks. Recent events confirm a previous opinion that the peculiar conditions of this country would not be conserved by such a policy.

* * * * * * *

I think a far better course, for the present at least, would be to provide an elastic currency, available in every banking community and sufficient for the needs of that locality. This, I think, can be accomplished either in the way I have intimated or by several other methods.

The Department recommends no one plan to the exclusion of all others. It is the province of the Department to point out the weak places, that the Congress may strengthen them; to suggest possible, if not imminent, dangers, that the Congress may provide against them; but ultimate responsibility does not lie with the Department.

At present the purchase of outstanding Government bonds for the credit of the sinking fund affords the only method of returning surplus public revenues to the channels of trade after they have been once covered into the Treasury. The Department is authorized to deposit current internal-revenue and other receipts, except customs, with national banks upon satisfactory security, but this method affords very tardy relief in case of monetary stringency. On the other hand, the purchase of bonds invites a contraction of national-bank circulation for the purpose of disposing of the bonds pledged for its security at the advanced price which usually prevails whenever the Government becomes a purchaser. Thus the object sought to be attained is counteracted. If authority were granted to make deposits without security after special examination and at such rates of interest as the Secretary of the Treasury might determine, quite an element of elasticity would be provided whenever a surplus of revenues existed. By advancing or lowering the rate of interest an equilibrium could be maintained throughout the country, and the interest charge would more than cover any loss.

But if it should be deemed unwise to permit the loaning of public funds without specific security, it certainly would be well to authorize deposits direct from the Treasury, and, as now, upon satisfactory security. If such authority had existed during the last few months, the something more than $20,000,000 which was paid to the owners of Government bonds would have been deposited in a large number of reserve cities throughout the country, and the relief afforded would have been equally permanent and more widely appreciated.

This bill that I have introduced provides for an emergency fund, the bills to be printed now to be kept by the Secretary of the Treasury, and that those bills shall be issued to the holder of any United States bonds upon his application for that money. Upon releasing the interest on his bonds to the Government he gets the par value of his money in legal-tender Treasury notes. As the law now is he can go through the indirect method of going to a national bank—as I happen to know was done in the panic of 1893–94, where the bank was friendly—he can go to that bank, put up the bonds and have the Treasury issue national-bank bills and the bank turn them over to him. The difference between this proposition and the national-bank proposition is that here the Government pays to the concern that gets the money no interest, whereas the perpetuation of this national banking system and the Fowler bill proposition contemplate that the Government shall surrender this governmental function of issuing money to a corporation on bonds, and at the same time pay them the interest on the bonds. This proposition is to allow the bondholder to have the money issued directly to him, and he forfeits the interest on his bonds.

Now, there are in round numbers $300,000,000 of bonds held by national banks as a basis of their circulation. There are in round numbers $600,000,000 of outstanding interest-bearing United States bonds not held by national banks and which are not used as the basis of currency. In time of panic, if this proposition were adopted, no doubt these bonds would uncover themselves and be brought forward and be used as a basis of an emergency fund and prevent a panic.

Here is the statement of the Secretary of the Treasury as to outstanding bonds:

TREASURY DEPARTMENT, *February 10, 1903.*

Hon. HENRY D. CLAYTON,
House of Representatives:

Telegram received. Interest-bearing United States bonds outstanding to date, nine hundred and fourteen million five hundred and forty-one thousand four hundred and thirty; bonds on which interest has ceased, one million two hundred and twenty-nine thousand five hundred and ten; bonds held to secure national-bank notes, three hundred and forty-one million nine hundred and eighty-three thousand five hundred and seventy.

L. M. SHAW, *Secretary.*

Another vice of the Fowler bill is this: You take the ratio between deposits and the currency in banks and it has been about 10 to 1 for a long period of time. You will find that out from the Comptroller's report. You will observe on page 2 the amount held by the banks, according to the figures July 16, 1902, to be $848,000,000, and the deposits July 1, 1902, to be $9,158,000,000, or more than 10 to 1. Your Fowler bill would pile up a currency, but it does not lessen the chasm between deposits and money held by the banks. And in every financial panic that is where the trouble comes in. Under the Fowler bill you propose to issue more money, but you do not lessen the ratio between deposits and bank holdings. So, then, in a panic how would the Fowler bill, with all of its inflations, help the country? How would it help to cure this defect?

I ask leave of the House to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CLAYTON. Under this leave bill H. R. 17494 is printed:

A bill (H. R. 17494) to provide an emergency circulation fund, and for other purposes.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to have printed and to keep on hand United States Treasury notes under a special account to be called the "emergency circulation fund." Such notes shall be full legal tender. Any citizen of the United States shall have the right to deposit United States bonds, under rules and regulations to be prescribed by the Secretary of the Treasury, and receive from such fund 100 per cent of the face value of such bonds in United States Treasury notes, and shall have the right at any time within twelve months to redeem such bonds by repaying in United States Treasury notes the amount so received by him on account of such bonds, with interest at the rate borne by the bond on such amount. Failure to so redeem such bonds within the limit of twelve months shall operate as a forfeiture of such bonds to the United States, and such bonds shall be sold to the highest bidder in the open market, and the balance, after the payment of the principal of the amount advanced, the interest on the same, and the expenses, shall be paid to the former owner of such bonds. Any moneys received from such sale may be exchanged with other moneys in the Treasury, so that this fund shall consist alone of Treasury notes. The principal of all sums so advanced when repaid shall be returned to the "emergency circulation fund," and all interest upon such sums shall be passed to the credit of the Treasury under miscellaneous receipts.

The actual amount of notes held in the "emergency circulation fund" shall never be less than $50,000,000 in excess of any outstanding advances. Said fund shall neither be increased nor diminished except in the manner provided.

Mr. PUGSLEY. Mr. Chairman, it is with some hesitation that I take up for discussion a subject so broad and intricate as that of currency reform, and particularly after it has already been so ably discussed upon the floor of this House.

A sound and stable currency is the lifeblood of a nation's commerce and prosperity, and any legislation making radical changes in our currency system is of vital importance not only to banking, financial, and commercial interests, but to the people of the whole country.

In discussing this measure, however, I am sustained and comforted by the words of the Psalmist: "Surely He shall deliver thee from the snare of the fowler" [laughter and applause], or, as the sweet singer of Israel said in enlarging upon the thought: "Our soul is escaped as a bird out of the snare of the fowler, the snare is broken and we are escaped." [Laughter.] It may have been that the spirit of prophecy, so marvelous in the days of that sweet singer, looking with prophetic vision into the twentieth century and beholding the evils threatening a great and good people, uttered the words of hope and promise which I have just quoted. That deliverance from the meshes of this measure will be vouchsafed us I am assured.

The distinguished chairman of the Banking and Currency Committee of this House has given much thought and conscientious, if not laborious, effort to the preparation of the bills which he has presented dealing with the currency system of the country, and it gives me great pleasure to say that I believe he has rendered a patriotic service in bringing these great problems to the attention of this House and the people of the entire country. I most heartily commend the distinguished gentleman from New Jersey for the earnest effort he has made in the interests of currency reform. [Applause on the Republican side of the House.] I have observed that his bill has been indorsed by certain of the press of the country as being one filled with golden promise even though it is a paper measure. I wish I might be as sanguine of the marvelous results of its enactment into law as my worthy friend from New Jersey seems to be.

I am reminded by this proposed legislation, Mr. Chairman, and its anticipated benefits, of an incident of the memorable campaign of 1896. A well-known and eloquent lawyer at a political meeting in my native town was painting in glowing colors the desirability of the free coinage of silver at 16 to 1, and the plenitude of money under these conditions, when one of his hearers, an impecunious and dissipated character of the town, called out: "Will they bring it to us, or will we have to go after it?" [Laughter.] Some men are of such sanguine temperament that if you show them an egg the air is suddenly filled with feathers. [Laughter.]

In all legislation making radical changes in our currency system we should rather err on the side of conservatism than enact some measure which may be only speculatively good. We are at present enjoying a fair measure of prosperity in spite of the endeavor of coal dealers and certain combinations of capital controlling the necessities of life to abrogate all the prosperity to themselves, and in spite of a supposed scarcity of the circulating medium of the country. As a matter of fact, however, we have with few exceptions more currency in circulation than ever before in our country's history, more per capita than any other country in the world if we exclude, possibly, France. I therefore very much question the necessity for a larger supply of a permanent circulating medium.

The American people at certain times are subject to a disease, real or imagined, which may be called "lack of money." It is

contagious, spreads rapidly, and we all have it—not the money, but the disease. [Laughter.]. A supplementary currency that would meet the demands in certain seasons of the year, as during the moving of the crops, and in times of panic, would, I believe, prove a panacea and answer all requirements if ingrafted upon our present system. But such a supplementary currency should be of a character that it would contract naturally when the occasion which called it into being ceased to exist. The last annual report of the Treasury Department showed that the unprecedented expansion which has been going on since 1897 continued during the past year, nearly $60,000,000 having been added to the currency during the month of October. It is interesting to note that the money in circulation during the past five years has increased over $600,000,000, or nearly 40 per cent in that period, and under such conditions it would seem there is no necessity for a large permanent increase in the country's circulating medium. And yet it might be advisable to test a certain amount of asset currency, provided it shall be issued under such restrictions that it can not possibly become a primary issue in our financial system. For I fully understand, Mr. Chairman, that we do not want to perpetuate the public debt in order to supply a basis for a bond-secured circulation.

I have no doubt that a supplementary currency based upon assets might be made perfectly secure if it was thoroughly guarded in its issue with provisions for its prompt redemption, sufficiently taxed to supply a guaranty fund, and also made secure by a proper reserve of lawful money against outstanding circulation. The American people may be ready to permit such a currency under the conditions I have mentioned, but I do not believe they are ready, particularly at the height of a speculative boom, to allow banks to issue paper money at their discretion.

There has been much criticism of our currency system, but whatever there is of criticism our currency is sound beyond question and good beyond peradventure. I am not blind, Mr. Chairman, to its faults, but the bill now before us will not, in my opinion, better existing conditions. Our present system has for forty years met the requirements of the country, with rare exception. What would have been the effect and the loss entailed if we had had an asset currency pure and simple, rather than one secured by Government bonds, is an unsettled problem. I know that certain figures have been given based upon the losses made through the present currency system, but if no bonds had been pledged and banking institutions could have been established all over the country to issue currency upon assets only, the losses would undoubtedly have been far greater than under the present system.

Mr. HILL. Will the gentleman allow me to ask him a question?

Mr. PUGSLEY. Certainly.

Mr. HILL. The gentleman has introduced a bill himself providing for 30 per cent of asset currency. The Fowler bill provides for 25 per cent. Is there any greater danger in 25 per cent than in 30 per cent: and will the gentleman from New York [Mr. PUGSLEY] kindly tell the House how he has provided for a contraction of his assets under the terms of his bill?

Mr. PUGSLEY. In the bill I have introduced I will say that I provide for 20 per cent of currency only at a slightly higher rate of taxation than is provided in this bill, and on the other 10 per cent a tax of 3 per cent.

Mr. HILL. Now, then, that is the reason I asked the question, to have the gentleman make that answer. Will the gentleman explain to the House how a tax on currency causes a contraction?

Mr. PUGSLEY. I think that is a very evident proposition. If you put a heavy tax on the circulation, it will certainly return when the rate of money depreciates.

Mr. HILL. Will the gentleman explain how it is that a tax on circulation has any effect upon its return when the bank which issues the circulation, and not the people who hold it, pays the tax? The people who have the circulation in use are not the persons who pay the tax. Will the gentleman please explain how it is that a contraction will be produced by a tax on the circulation?

Mr. PUGSLEY. I will say to the gentleman from Connecticut that, if I understand the human nature of bankers, I do not care at what rate they get their circulation; they are going to get in the market just all that is possible to get, and it makes no difference whether that circulation costs them one-half of 1 per cent, or 1 per cent, or 3 per cent. It is simply a matter of supply and demand that fixes the rate.

Mr. HILL. Certainly. But the gentleman does not answer my question. He is the president of a bank.

Mr. PUGSLEY. Now, Mr. Chairman, I decline to yield further. We had this all thrashed over in our discussion a few days ago, and I do not think it is essential either for the edification or the instruction of this House that we should go again over these questions.

It has been stated the system is a very expensive one, but I believe that it is far better to have an expensive currency than to have one of doubtful quality, for the great essential of any currency is quality rather than quantity. Great Britain has an expensive system, but the quality and stability of her currency is unquestioned, and the pound sterling is the world's standard of value. Every merchant, American, Spanish, or whatever nationality, in Australia, the Philippine Islands, or in any other part of the world, knows that the value of the pound sterling will be maintained in Great Britain under all circumstances and that the sum of money he puts there in January he will be able to get, as one has said, at the same value in the December of eternity, if he calls for it then. I want to see the world's standard the American dollar and our currency system surpassing that of any other nation on the face of the globe, but only by the most conservative legislation can this be accomplished.

It should be remembered that money is the exponent or representative of value in trade and exchanges, and fully meeting the demands these make upon it, the desirability of an abundance of currency ceases. For one does not need three horses to draw the plow when one will do; and the smallest amount of money which will transact the largest amount of business is a very near approach to a perfect ideal in business conditions. We should, therefore, rather guard the stability of the currency than to seek its undue expansion.

I wish to read here an extract from an article by an English writer in reference to this very question:

> By a notable coincidence the foreign trade of the United States in the fiscal year ended June 30, 1902, amounted to hardly as much as the money in circulation. What more striking proof could there be of an ample, not to say prodigal, supply of circulating medium? The exports for the year in question were nearly $1,382,000,000 and the imports $903,000,000, making together $2,285,000,000—only $51,000,000 less than the volume of currency available for turning them over. If our own stock of money were put on an equally lavish footing it would have to be increased three or four fold. We should be smothered in money and not know what to do with it. * * * The bare facts only are mentioned, in order to show that the United States can not possibly be suffering from a scarcity of currency in the ordinary meaning of the term.

The bill before us provides that any national bank having notes outstanding in excess of 75 per cent of its paid-up capital, to secure the payment of which United States bonds have been deposited, may, upon the deposit of lawful money for the redemption of such excess, take out for circulation the notes provided for in this bill. It does not make provision that a certain amount of bonds shall be deposited for circulation, with the exception that in case a bank holds 100 per cent of bond-secured currency it may be reduced to 75 per cent of its capital without being brought under the statute limiting the amount of notes that may be retired in any one calendar month to $3,000,000.

The bill is not, to my mind, sufficiently clear as to the power of the bank to issue this 25 per cent of asset currency which has not on deposit 75 per cent of the bank's capital in Government bonds. I presume the intent of the bill is to allow all national banks holding the minimum of bonds required under the present law to issue such asset currency, but if such is the meaning of the bill, it allows the large banks, which are only required by the present law to hold $50,000 of bonds, to issue 25 per cent of the asset currency, while the smaller banks throughout the country must hold 25 per cent of their capital in Government bonds before they can come under the national banking system or under the provisions of this bill. It will be seen at once that a bank having five million (or ten or twenty-five million) of capital, or whatever the capital may be in excess of $150,000, may issue this asset currency with a deposit of only $50,000 bonds with the United States Treasury, which seems to be a very unjust discrimination among the banks of the country. You can readily understand that a bank with $25,000,000 of capital, having $50,000 of bonds on deposit in the Treasury, can issue over $6,000,000 of asset currency, and other banks of less capital in like proportion.

There is a provision also that the same reserve should be held against this circulation as is now held against deposits. I believe that the reserve against circulation should be uniform all over the country, and that some banks should not be required to hold 25 per cent reserve while others are required to hold only 6, and that 10 per cent or 15 per cent would be ample in addition to the amount held in the guaranty or reserve fund.

I question whether a better system of redemption can be evolved than the one now in use. I have been informed by bankers throughout the country that at least 60 per cent of the currency issued by their banks is redeemed during the year. It would seem from this fact that the redemption system works admirably, and, as some bankers of years of experience have said to me, is far superior to the old Suffolk system.

The bill under discussion, however, provides that the country shall be divided into districts, that in each district there shall be a city of redemption, and that notes going beyond the district of their issue shall be accepted by banks at par, but shall be returned to their proper district by the banks receiving them and not paid out by those banks.

The American people have become so accustomed to a currency good in any part of the United States that I do not believe they will willingly depart from such a currency and adopt any plan or system which will result in a circulation that may be at a discount outside of its own district, and which will lead to an examination by the banks of every bill that passes through their hands. To-day a national-bank bill passes readily in any part of the United States. We do not even look to see whether it was issued in California, New York, Maine, or Texas. The bank issuing it may have failed, but still the bill passes unquestioned, being guaranteed by the Government.

It may be said the bill provides that this currency shall be received at par by every bank, but if it is essential that this currency shall be forwarded from the bank receiving it to another section of the country and express charges paid upon it, I can readily see that in some way the banking institutions receiving it would take care that they were not at a loss in returning it to the bank of issue. And although a charge might not be made directly upon it, a plan would be evolved whereby the bankers would avoid any loss through exchanges, unless human nature is very different from what I believe it to be among bankers.

Further, I am quite sure that the bankers of the country, or at least a majority of them, will object to any system which will necessitate the sorting out of bills belonging to another district and forwarding them rather than paying them out, if they so desire, over their own counter. And I know that the American people will not willingly leave a system which has meant that every bill in any part of the United States is current in every other part.

In its broadest sense this is a national question. It affects the relation of the banks to the public, and this relation is a greater consequence than the banks' relations can possibly be to each other or to the Treasury. The banks are the servants of the people; not the masters. The keen interest the people have taken in currency reform and in the issue of asset currency reveals their appreciation of this fact. The desire for a more elastic currency has aroused public sentiment, as there is always a fear in mercantile communities and among the people of there not being enough money to go around.

As a monetary proposition there is no proof whatever that the United States has an insufficiency of currency. In fact, official statistics show quite the contrary. It is hardly to be conceived that 80,000,000 people shall have real use for $2,400,000,000 of circulating medium. If there should be a demand for an additional circulation, it is only at exceptional seasons of the year, as at the moving of the crops. These emergencies are brief, recur annually, and may always be provided for by proper legislation.

An English writer, grasping the situation in this country, aptly says:

> What chiefly concerns the American public is that so much of their currency should be tied up by legal enactments of various kinds, all more or less questionable in policy. Currency so tied up is not money at all for business purposes. The country might be almost as well off without it. Perhaps the American idea of creating money simply to lock up as bank reserves was borrowed from the railway stations in Germany, where there must be always one cab on the ranks, for the last cab to go out without a permit from the imperial chancellor would, we presume, be lezé majesty! So, for a national bank to let its reserve fall below the sacred 25 per cent is almost an act of bankruptcy. It brings down the Government examiner in a decidedly dangerous humor.

I believe that the large fund of gold and silver in the country, with the Government issuing circulating notes to national banks on deposited bonds and permitting a certain amount of supplementary circulation, would meet all the requirements for an elastic currency. I believe if further elasticity is needed it could be accomplished by enlarging the amount of circulating notes of national banks that might be surrendered in any one month from three to six or even ten millions per month, or by exempting from the limitation of the law all currency issued in excess of 50 per cent of capital for which bonds have been deposited. This should give us an expansion or contraction of the currency to the extent that might be desired without the enactment into law of any measure that would radically change our present system.

We complain about the lack of elasticity in our currency, and yet we have a cast-iron rule or law that will not allow it to contract or expand.

No question will so quickly unsettle and paralyze the business industries of the nation as one concerning the stability of our currency. When the foundations of our business enterprises are shaken through unwise tinkering with our currency system, the first to feel its dire effects will be those who depend upon daily toil for daily bread. No class in the country will be more seriously affected and none should be more deeply interested in the stability of the currency than the wage earner, "whose heart is the citadel of a nation's power and whose arm is the bulwark of liberty." [Loud applause.]

Public opinion in this country should be so strongly and so thoroughly grounded on the great foundation truths of finance and currency that we shall not only get right, but stay right. In the war with Spain our Army and Navy displayed invincible prowess, bravery, and skill, and won the admiration of the world. I trust that the financial and commercial interests of the country and the representatives of the people in Congress assembled will no less fearlessly press forward toward the attainment of a monetary system that shall command what our country in other particulars enjoys, the respect, the confidence, and the admiration of the world. [Loud applause.]

Mr. PADGETT. Mr. Chairman, in addition to my time the gentleman from New York who has just taken his seat [Mr. PUGSLEY] yields me the balance of his time, and I yield twenty-five minutes to the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Chairman, we have been told over and over again that the Republican party has redeemed its pledge and promise to the people and has established the currency on a gold standard, upon a firm foundation, and that therefore the money question is settled or is dead, yet it seems to have an annual resurrection in the Congress of the United States. I have observed in my brief experience that people are generally very much interested in something which they have not got. In the hard times following the panic of 1893, when everyone was "hard up," the money question was of absorbing interest.

And I think I have observed, at least of late years, that the American people take but little interest in the preservation of the rights of other people so long as they feel secure in the possession of their own, and I have wondered sometimes if it was because of this seeming universal interest in things hoped for rather than those possessed that makes the American Congressman take such perennial interest in the money question.

Is it because of this same trait in human nature that now, when certain individuals and corporations have about exhausted their own and the country's credit in the issuance of stocks and bonds which have no actual value in fact except as the same shall be wrung out of the pockets of labor—having thereby increased by $5,000,000,000 the debt which labor must finally pay, and being accordingly embarrassed with the extent of their obligations which they have unloaded upon the country or the banks, they now propose to change the character of those obligations into promises to pay, and by fiat law give them the power and the force and the effect of money?

It seems, Mr. Chairman, that the gentlemen who have the control of financial legislation in this House are determined to give us their remedy for the financial evils which, in their judgment, afflict the body politic in homeopathic doses, rather than remove the entire appendix of Government-made money, as they doubtless would like to do, by one radical operation. Hence we have them bringing in now only the asset and inflation portion of their financial cure, doubtless reserving the branch bank and the monopoly features for some future time.

Although, Mr. Chairman, the business ailment of the country is one purely of an excess of wind and water upon the stomach of overcapitalized corporations, and although no legitimate interest whatever is complaining, it seems as if the financial doctors of this House were determined to mix a little money medicine for the country anyway, not that we are sick now, but that we may become sick some time in the future—if not in the spring, then next fall, or any time prior to 1904.

Now, the remedy which they offer is, in my judgment, entirely an experimental one. They themselves do not know what effect it will have upon the country, neither does anyone else. And I would like to suggest to the House and the committee that the country is in a rather healthy condition just at present. I once knew a man out in the Western country where I live who had great faith in doctors. He was "feeling good, enjoying life"—was happy. But he wanted to feel better, and so he consulted a doctor, took physic, and died.

Mr. Chairman, the merchants, and the miners, and the manufacturers, and the farmers, who produce the wealth of this country, maintain its prosperity, and pay its debts, are not asking for this legislation. Strangely enough, the people in the East are agitating this legislation, ostensibly in the interest of the people who live in the West and the South or in the agricultural portions of the country, although no Western or Southern interest is asking for it. On the contrary, in that portion of our national domain where I live—that portion once known as the Great American Desert, and now the granary of the American continent—the business men, through their banking associations and business gatherings, in general, are protesting against the legislation contemplated in this bill.

In the State which I represent—more absolutely dependent upon agriculture for the prosperity of its people than any other State of the Union—the State of Nebraska, the candidates for Congress on the Republican ticket were kept busy, both on and off the stump, during the last campaign, in telling the people

over and over again that it was not the policy of their party to inflict such legislation as this upon the country. In my judgment if the people of that great Commonwealth had believed you intended to surrender to private corporations the control of our country's currency, with which is carried on the business of the most powerful people in the world, they would have buried your candidates so deep beneath an avalanche of condemning ballots as to have been beyond the hope of resurrection at the trump of doom.

Mr. Chairman, it can not be successfully maintained that there is shortage of currency, of money, or of credit in this country. There has been, as everyone knows, during the last four or five years an overballooning of credit—the issuance of stocks and bonds by wind-blown and water-soaked corporations. The people of the West, especially in the agricultural portions, are in an exceedingly prosperous condition at this time. They have plenty of money and plenty of credit. We have learned in that country the proper way to maintain credit and get money. We have been taught by business experience; and we have more of wheat, and more of pork, and more of beef, and more of corn—more of everything that puts money in the farmer's pocket—than we have had for many years.

I remember that in 1896 gentlemen came to us from the East and told us that we would lose our credit and not be able to borrow any more Eastern capital if we dared to declare for bimetallism, because of the fear that we might pay our debts in depreciated dollars; but the unanswerable logic of events has proved that what the West needed was not the ability to borrow more money, but rather a price for our products that would enable us to pay what we had already borrowed.

We were told at the same time that we would be punished by the East refusing to send us any more money, but by the irony of fate we have, in four years out of the six following that election, been given a crop that has enabled us to send our products down across this continent 2,000 miles, down to the great money center of New York, where every day a larger volume of business is transacted than in all the other clearing-house cities of the United States put together, where one-third of all the loans and one-third of all the deposits in all the national banks are held, and swept their entire surplus reserve out to the farmers beyond the Mississippi River and put those great clearing-house institutions into that condition that they could not loan a man in business a dollar, except in violation of their charters.

Now, Mr. Chairman, they tell us in their report here, or at least I read it so, that this forces an unfortunate liquidation upon the part of those who deal in stocks and bonds and gamble in the great money centers of this country upon the products of the farmer's toil. Mr. Chairman, I want to say to you, in my judgment, that what the country needs now is not so much a further expansion of credit, but rather a reservation to the legitimate interests of the country the credit and money which they alone produce and maintain. I want to say further upon that very question that we have had a great deal of talk about antitrust legislation in this House and in the country.

In my judgment, the trust promoting and trust building which was stopped in this country last fall was not stopped because of the fear of any legislation that would be passed by the Congress of the United States or because of any lawsuits instituted against them, but because of the withholding of money and of credits with which to deal in those stocks and bonds in the money centers of the country; and when the merchants and farmers and business men and the legitimate interests of this country at times make a demand upon those with whom they trust their money that that money shall be returned to them for legitimate business purposes, they do more to stop the building and promoting of trusts than will any legislation that can be passed by the Congress of the United States as it is organized to-day.

Mr. Chairman, after reading through the first portion of the report and listening to the instructive speech of the gentleman from New Jersey [Mr. FOWLER]—because it was a good speech, a logical speech from his standpoint, and showed a wonderful amount of information, and which I hope everyone will read—I was impressed with the fact that he, along with others who have supported the bill, has come at last to admit the principle of the Democratic party upon the great question of finance, so far as the quantity theory of money is concerned.

Anyone who reads this report and listened to the argument of the eloquent gentleman from Illinois [Mr. PRINCE], who talked last evening, and others who debated upon this question, will see that the real question at issue has never been as to what should be our standard of value, for that of itself is not worth the effort which has been put forth on this question. The question was not primarily to determine whether the standard of value should be green or yellow or white money, whether gold or silver or paper; but the issue in 1896 and the issue now and the issue in the future is whether the money of the country shall be controlled by the Government of the United States, where the Constitution put it, or whether you shall surrender it to private corporations for their control and profit. [Applause on the Democratic side.]

Now the gentlemen, a little farther along in their report, say as follows:

> As your committee has just pointed out, however, the withdrawal from the banks of $100,000,000 of reserve money last fall, when there was an actual need of about $200,000,000 of additional credit to properly handle the crops of the country, must have contracted loans or curtailed credit by at least $400,000,000. Anomalous as it may seem, as our needs for the tools of trade increase they as certainly at the same time decrease correspondingly.

Now, if there is any valid argument that can be urged in support of this bill it is this matter of expansion of credit and the claim that the demand of the farmers and the miners of the country for the money contracts the loaning capacity of the bank. Let us see. I have before me an abstract of the report of the banks as furnished by the Comptroller of the Currency for the 15th day of September and the 25th day of November last. I find that the loans of the banks of this country expanded from July 16 to September 15, some $58,000,000. I find that the loans were expanded from September 15 to November 25 some $23,000,000; or, altogether, the banks in the face of the demand for the money, instead of contracting their loans, expanded their loans $81,000,000.

In other words, these gentlemen under the conditions that now exist, apparently made a mistake as to what actually did occur of $500,000,000, and I ask if they made such a mistake as this, under conditions that are known, how much graver and more serious mistakes may they lead us into under conditions which are entirely problematical in the future, under this bill? Now, Mr. Chairman, I want to speak briefly upon three fundamental principles in this bill, because they are the three points upon which it is an innovation upon existing law or recognized financial policy. I am opposed to this bill primarily because it is the first step as a means to create a money monopoly.

Now, a monopoly is not necessarily a dangerous thing if it is a government monopoly, but private monopoly always tends to corruption in republics, and I believe is inimical to the preservation of free institutions. And this bill further is open to the charge, in my judgment, that it is an inflation measure, first, because it provides a certain amount of inflation under the conditions that now exist. It does not provide necessarily for the retirement of any money that is in circulation now, but it does make possible, as admitted in the report here, an increase of something like one hundred and forty or one hundred and fifty millions of dollars in our circulating medium.

It is possible under this bill that there shall be an unlimited inflation of the currency, because they have not limited the number of banks of issue. As the gentleman from New Jersey [Mr. FOWLER] admitted to me the other day when I asked him the question, there will be now under the operation of this bill about 5,000 banks of issue. Upon the passage of this bill, if it shall be found profitable, we may fairly expect that all the other small State banks in the country, and large ones, so far as that is concerned, now engaged in ordinary commercial business, will also go into the note-issuing business, because it will be found profitable to them, and it is not unreasonable to expect that in the next five years we would have at least 10,000 banks of issue.

And instead of other nations that have tried such a policy, such as is indicated in this bill, permitting an unlimited number of banks of issue, every nation that has tried it has found sooner or later that under booming business conditions and during periods of speculation too many banks have gone into the note-issuing business, as any man can understand who studies the subject, and therefore there has always followed an inflation of money with consequent disaster to business.

Every nation that has permitted banks of issue, not excepting ourselves, have learned by bitter experience the truth of this financial axiom. And to-day every nation in the world that permits notes to be issued based upon assets instead of permitting an unlimited number of banks, as is possible under this bill, have all shaped their legislation in exactly the opposite direction by creating a monopoly of note issues and limiting the number of banks to as few as possible. No country that holds any place among the financial powers of the earth countenances any such policy as is contemplated in this bill.

The British people for more than a century permitted an unlimited number of banks to go into the note-issuing business, but over and over again in times of great business prosperity they experienced an inflation of the currency because too many banks engaged in the business, a condition of affairs which was inevitably followed by disaster, and specie payment was suspended over and over again, until finally, in 1844, they passed an act under which it has not been possible since that time to establish a single new bank of issue in Scotland or England or Ireland. And, as the gentleman from New Jersey [Mr. FOWLER] stated the other day, there are now only 11 banks of issue in Scotland, and in England or Scotland or Ireland if any bank goes into liquidation voluntarily

or fails, no new bank of issue is permitted to be established in its place.

Mr. FOWLER. Will the gentleman allow me?

Mr. SHALLENBERGER. In a moment. Let me finish my statement.

No new bank of issue is permitted to take its place, but the right to these note issues reverts to the Bank of England.

And so it is in Germany, to which the gentleman also referred. At one time Germany had an unlimited number of banks of issue, but Germany found that that condition of things was unsound, and now they have a law which is practically equivalent to the English law. No new banks of issue are permitted to be established in Germany. They have created a monopoly, and if you are going to surrender this note-issuing function to private institutions you must make a monopoly if you make it safe.

Austria has only one such bank of issue. France has one, Spain has one. The Kingdom of Italy at one time permitted a number of banks of issue, but because of the disaster which was brought upon the country by that system she has also limited the number of banks of issue.

Canada has been referred to by the gentleman as being a country which furnished a system parallel to that proposed in this bill; but Canada has found a way of creating an absolute monopoly, a monopoly which establishes as absolute a limitation upon the number of banks there as if the maximum had been decreed by law.

The gentleman stated in his remarks the other day, in reply to my question, that there were only 34 banks of issue in Canada. There were 36 banks of issue in Canada under the law as it was passed in 1890, thirteen years ago. No new bank of issue is permitted in Canada with less than half a million dollars capital; and if we permitted no new banks of issue with less than $5,000,000 capital it would correspond probably to the condition in Canada, taking into consideration our population, our wealth, and our domain, compared with that of Canada.

These banks in Canada are permitted to establish branch institutions all over the country, and they have absorbed the entire business of that country so completely that now no new bank of issue is practicable, or will be in the future, because there is no opportunity for them to get sufficient business to be profitable; so that there is as absolute a monopoly as if it was established by law, and you have got to come sooner or later to the point of establishing such a monopoly here if you allow private concerns to issue these notes and if you are going to make this system a safe one.

Now, I do not believe the gentlemen themselves who brought in this bill would have offered us this kind of a measure if they could have had their will in the matter.

They have not offered such a bill as they would like to make a law, but one going as far as they thought possible and yet command votes enough to pass it. Indeed, the gentlemen indicated that they realized the situation when in their original bill they inserted a provision whereby a bank with a capital of $5,000,000 might establish branches all over this country, the result of which would have been that these great institutions would rapidly have absorbed the banking business of the country; and they would compel all the small banks either to get into their trust or go out of business, and you would thus have a monopoly created just as surely as has been done in Canada.

Mr. FOWLER. I understood the gentleman to say that they were not permitted to establish any new banks in Scotland.

Mr. SHALLENBERGER. Not banks of issue. They are not allowed to establish any new banks of issue.

The difference in the amount of capital required by banks of issue, the absence of the branch bank feature, the amount and character of the reserves required, and other provisions upon which this bill differs radically from the Canadian plan, make any inferences drawn from the experience of Canada as to what effect the passage of this bill would have finds little foundation in fact.

The second point upon which I consider this bill is objectionable under our present financial system and reserve requirements is that it declares that the notes to be issued under it shall be made specifically payable in gold. In the first place, we have already numerous kinds of money, and I certainly object to having another added to them. The present bank notes issued by national banks are redeemable in lawful money only, and that is the only requirement that ought to be asked of the banks, because they must accept under the law several other forms of money other than gold on deposit and in payment of their debts, and it is not sound business policy to require them to pay their obligations in any other kind of money than those they can lawfully exact for obligations due to them.

Under this bill it is perfectly possible and probable that millions of money should be issued without any reference to the amount of gold in the banks and available for their redemption. It has always been so in every nation that has tried such a policy as this, and any system of note issues that fails to take into consideration in empowering their issue the actual amount of money available for their redemption has sooner or later led to the dangers of suspension of specie payments.

The gentlemen have doubtless believed that because they make the notes specifically payable in gold and that the Government redeems them under certain conditions, the banks will never be required to redeem any great quantity of them in gold. But when the inevitable reaction comes, and gold is demanded for export, and for hoarding these notes—being an easy means of obtaining it, they will all have to be either retired or else furnish a constant siphon with which to draw the gold from the banks, who upon the other hand will have no means whereby to get the gold except from the Government of the United States or to buy it in the open market.

The fact that the Government supervises the redemption of these notes will not make their redemption by the banks any easier; it only raises the hope that the demand will not be made upon the banks. Before a system of gold-note issues is entered upon by any nation, the money of that country must consist of gold as the only money of final redemption, with silver as a subsidiary or token coin and not a legal tender, and the currency of the country to be issued by banking corporations. Every nation that does not have that kind of a currency only requires that the banks shall pay their notes in the lawful money of the country, as does both France and Canada.

France, retaining her reserves in silver and gold and Canada in specie and Dominion notes, corresponding to our Treasury notes, so that the banks of those countries, when gold is demanded of them for export or for hoarding, have a means whereby to protect themselves and compel those who want the gold to pay the proper premium for it upon the open market. Every nation that has opened the door to the possibility of unlimited note issues, made specifically payable in coin and issued without a proper relation being maintained as to the amount actually pledged and maintained for their redemption, has sooner or later learned in humiliation the disastrous sequel to the story of him who preaches that there will be no day of payment.

As the law is now the assets upon which the banks must realize to meet their notes are payable in lawful money. Under this bill they would be required to receive their obligations in three or four different kinds of money and yet bound to pay their notes in one kind of money—gold.

Mr. HILL. That is the same as the law is now. The bank is not required to hold any United States notes, but it is required to redeem its notes in United States notes.

Mr. SHALLENBERGER. To redeem them in lawful money.

Mr. HILL. In United States notes.

Mr. SHALLENBERGER. This requires them to redeem over their counters in gold.

Mr. WILLIAMS of Mississippi. They are practically not required to redeem these notes at all.

Mr. SHALLENBERGER. The third point upon which I wish to challenge the correctness and justice of the principle injected into this bill is that after we have surrendered to the corporations the profit and power to be derived from issuing money made a legal tender to all the banks and to all the myriad necessities of the Government yet we do not propose here in this bill to have the United States guarantee the final redemption of these notes in gold if for any reason the banks shall fail to make them good.

It is true that in return for a quasi guaranteeing of their notes the banks give the Government a first lien upon their assets, but the trouble with this is that while it is sauce for the note holder it is decidedly cold victuals for the depositor, who frequently even now receives little enough from the failed bank. Under such a system as this it is quite evident that the depositor would fare far worse than he now does in case of failure, because the Government is bound to realize upon the assets in order to reimburse the guaranty fund in case of failure.

Gentlemen say further that this money is not guaranteed by the Government of the United States. Now, Mr. Chairman, I want to say here that when it comes to the question of money you can not altogether depend upon the experience of other nations as to how the people of this country will receive that money. We have had a large experience in unguaranteed notes during the State-bank issues, and the people of the United States will look with suspicion upon any money unless it is guaranteed by the National Government.

I remember in 1894, when this asset-currency plan was first submitted, a banker's convention up here in the State of Pennsylvania was discussing the principles involved in asset currency, and after several gentlemen had dilated upon the security of this plan and the expediency of it, a gentleman arose, who was evidently old in experience, and said, "Gentlemen, I do not care how you may secure this money and how expedient it may appear, unless the American Government guarantees your money the American people will not have it, because of their experience in the past."

Mr. Chairman, after all, these gentlemen have based the real security of their money upon the great privilege of governmental legal tender and governmental monopoly. Their money is good for the same reason that the silver and United States notes are good. Every one of them is good, because every one of them is an American dollar, a legal tender for the billions of dollars due the banks and the billions of dollars due the National Government, and with limited issue that demand will sustain it. Everything that is behind the flag is behind that dollar—our matchless credit, our boundless resources, our illimitable possibilities; the all-controlling, all-compelling, all-absorbing demands of American business and American commerce.

The only way that you can assault that dollar is to assault your nation's dignity and honor and dispute her proud position as first in the grand galaxy of nations. To deny that dollar is to deny your country's present greatness, her future grandeur, and her glory. To deny it is to deny the hope and aspiration that animates the breast of every good American citizen—that Columbia shall yet sit enthroned here between her silver seas, the undisputed queen and master of the commercial world. [Applause.]

In conclusion, Mr. Chairman, this bill is largely experimental, and in its recognized principles it follows the line of absolute monopoly, which underlies and supports every empire in the world to-day. It is the enthronement of monopoly. It is the very apotheosis of special privilege. By the granting of governmental favors we have enthroned monopoly in control of the transportation of the country; by the granting of special privileges we have enthroned monopoly in control of the industrial interests of the country, and monopoly has now begun its assault upon that last citadel of the people's liberty—the people's money. It is the last great source of privilege and power yet remaining in control of the National Government, and it is the record of history that when once a brave and free people such as ours ever loses control of a great and priceless privilege, such as this, it has always been lost to them forever. Because I believe the bill is experimental, monopolistic, and unsound I shall oppose it with my vote. [Prolonged applause.]

Mr. PADGETT. Mr. Chairman, I now yield five minutes to the gentleman from Alabama [Mr. THOMPSON].

Mr. THOMPSON. Mr. Chairman, this is preeminently a period of national reconciliation in these happily reunited States. In the "chorus of the Union," to which President Lincoln so eloquently alluded in his first inaugural, the predominant tone now is peace and good will between the North and the South, and between all sections. Occasionally, however, and only occasionally, a discordant note is heard; and such discords appear all the harsher and more offensive on account of the general harmony.

Such a discordant note is contained in the fourth section of the Bowman Act. This act is justly held in high regard as greatly facilitating the settlement of proper claims against the Government; but its fourth section expressly bars out the great bulk of Southern claims for supplies furnished to or taken by the Federal forces in the civil war and directly afterwards, because it makes a claimant's loyalty to the United States Government during that war essential to the validity of his claim. Of course, this excludes the great majority of Southern claims which in every other respect would be recognized by the law as just and deserving of payment.

Mr. Chairman, the time is ripe for the repeal of this section of the Bowman Act, and I appeal to my friends and brethren of all parties here assembled as representatives of all sections of our beloved Union to unite with one accord in supporting the bill (H. R. 15518) which I offer for such repeal.

I urge this partly from considerations of abstract justice and partly from considerations of national amity and fraternity.

As to the former, it is manifestly unjust to discriminate in this manner against the former Confederates. They did fight against the Union for four years, it is true, but after that terrible conflict had been waged and concluded in a manner in the highest degree honorable to both sides the Confederates accepted the result in good faith, were invited by the North to resume their former relations with the Union, and did so. By that act the Southerners again became United States citizens in good and regular standing, and since then the Union has had no better or more loyal or more devoted citizens than these same ex-Confederates.

This being the case, where is the justice, where is the sense or logic in excluding the former Confederates from the equal operations and benefits of the laws of our common country? They have been restored to full fellowship as citizens; they stand shoulder to shoulder with the men of the North in our Army and Navy; they are eligible to all offices; they preside in our courts; they make laws for the nation in these very halls of Congress. They have in all respects the rights and privileges of citizens of Massachusetts or of Illinois.

All, did I say? Yes: all—but one. If the Government owes them money for value received, they can not collect it, because they were loyal to their own section during the civil war! The Government will gladly accept their services in the Army, the Navy, the legislative forum, the court room, the public offices, but it will not pay what it owes them! This is, in brief, the effect of the fourth section of the Bowman Act, and it is a legal absurdity and monstrosity. I, for one, do not believe that this section correctly represents the sentiments and the purposes of the people of the North. I do not believe that the amnesty which they offered was amnesty with a string to it. I do not believe that General Grant had any such idea when he said "Let us have peace," or when he freely gave back to General Lee his surrendered sword and generously told Lee's soldiers to keep their horses as they would need them for their spring plowing. I believe that if the people of the North fully understood the matter they would be the first ones to demand the repeal of this obnoxious section. They would feel themselves dishonored by continuing on the statute book such an exhibition of petty meanness toward their Southern brethren.

As it stands now the law, by implication, admits the justice of these claims of Southerners for supplies furnished to the Northern Army during the war and for a considerable period after the termination of the war, and that, if proven, such claims shall be paid, provided that the claimant was loyal to the Union during the war, but otherwise not. Why not? If the claim is intrinsically just, why should it not be paid? Is the claimant an outlaw, an exile, a criminal, a miscreant, an anarchist, an enemy of the State? Not so. He is a good citizen, perhaps a judge, or a Federal officer, or a United States soldier, devoting his life to the welfare of the nation. No matter; he fought with the South in the civil war, following his honest convictions of duty, so he shall not be paid!

Mr. Chairman, I shall not spend time in repeating the well-known arguments as to the right or the wrong of the Southern secession movement. But I will call to the attention of the House the notable address made before the New England Society of Charleston, S. C., last December, by Charles Francis Adams, a lineal descendant, and a worthy descendant, of those famous old patriots, Federalists, and Republicans of Massachusetts, Samuel Adams, John Adams, and John Quincy Adams. In this address Mr. Adams asserted that long and careful study of the questions and conditions precedent to the civil war had convinced him that in that struggle "everybody was right; nobody was wrong." In his opinion, he continued, that war was an inevitable conflict over the abstract and concrete question of sovereignty, and "either side could offer good ground, historical and legal, for any attitude taken in regard to it."

Continuing, he said: "Every State of the Federation became a member of the Union with mental reservations. The one thing our ancestry united in most apprehending was a centralized government. From New Hampshire to Georgia such a government was associated with the idea of a foreign régime. The people clung to the local autonomy—the sovereignty of the State."

As I have said, I shall not dwell on this old and well-nigh exhausted subject, and I have quoted from Mr. Adams in order to indicate what I believe to be the general sentiment at present among the intelligent, fair-minded, and well-informed men of the North of all parties. It is generally conceded now, in the North I am sure, that the South at least sincerely believed it was right in those four years of war. The South warmly espoused the affirmative side of the State's rights doctrine, which was then agitating the country, and although the North adopted the negative side, I know full well that deep down in the hearts of every true Northern American is an ardent love for his own State. Does not the Vermonter dearly love Vermont? Does not the Ohioian idolize Ohio? Does not the Minnesotian worship Minnesota, and the Californian swear by California? Who fought more ferociously at Gettysburg than the Pennsylvania troops, who were defending not only the Union, but also their own dear State against the invader? As for myself, I could never tire of proclaiming my intense love for my own dear State of Alabama, which I honestly consider the fairest country, with the noblest and most chivalrous community of people, on the face of the earth; but every Southerner entertains like sentiments of love and veneration for his own State.

That war, then, was a family quarrel about a disputed family question. Brothers fought against brothers hard and long, and when at last one set of brothers conquered and carried their point they shook hands and "made up" with the other set, and the family relations were amicably resumed. But now, long years afterwards, the victorious brothers say to the other brothers, "We freely forgave you, and made it all up with you, and blotted out all of the old scores, and have no grudge against you and no fault to find with you; but we will not pay you for what we took from you while we were fighting and while you were lying weak and helpless after the fight." Would not that be a mean thing to do and say? Do you believe that the rich and prosperous and honorable North upholds any such doctrine as that?

What I have said thus far has had especial reference to the equitable, if not legal, claims of those Confederates who actually participated and fought in the war between the States and whose property was converted or taken for the use of the United States Government during the course of that unhappy internecine strife. If the justice of their claims, as active participants, appeals to you, as I am sure it must, then how much more deserving of your consideration are the claims for restitution on the part of that not inconsiderable number of Southern gentlemen of the old school whose political inclinations and affiliations before the war had been aligned with what were then popularly known as the "Old Line Whigs" or "Unionists," and who never sympathized with or approved the secession movement any more than they indorsed the stand taken by the more rabid Abolitionists who sought to free the slaves without reimbursement or even by violence. This large class of Southerners, while declining to enlist in an army for destroying the Union, when the line of demarcation was drawn and the parting of the ways was at hand, were too loyal to their section not to maintain the neutral ground allotted to those who were excused from active enlistment on condition of their sending substitutes, or pursuing the more peaceful avocations of growing food crops and running grist and flouring mills for the maintenance of the women, children, and slaves at home.

I have in mind several relevant instances in my own district in Alabama, through which General Wilson's brigade was passing about the time of the surrender at Appomattox. It was a fact that a few days after the surrender had actually taken place, but before anyone had been apprised of it in that part of the country, a handful of Confederates made a show of resistance to General Wilson's brigade at West Point, Ga., where the last battle of the war was fought. This was just on the line separating my district from Georgia. About that time, and, as stated, even several days after hostilities had ceased elsewhere and peace had been declared, considerable quantities of cotton, meat, mules, etc., were confiscated or appropriated by the Union Army from just such neutrally disposed citizens of my district, who had even submitted to a quasi social ostracism on account of their unwillingness to become active factors in the disruption of the Union. And there were plenty of similar instances in other sections of the South. But, it may be implied, with respect to this class of citizens, that an exception has been made in their favor, or in favor of those who could demonstrate their loyalty to the Union. However, mindful of this exception, my plea is here made on behalf of that class who, because of the extreme delicacy of their positions at home and the many embarrassments at best to which they were subjected in preserving the neutral middle ground pointed out, might now find difficulty in demonstrating such loyalty, or who, through pride or other considerations, have never essayed to adduce the real facts in establishing their said claims.

Yes, Mr. Chairman, all our old war claims ought to be tried and decided solely on their merits. The question of "loyalty" was res adjudicata years before the Bowman Act was conceived of. And we are not left without precedents to guide us in this matter. A study of history will show us that this case of ex post facto retaliation is, if I am not mistakon, unique in the annals of nations. In the Franco-German war of 1870, the German officers, in their advance upon Paris, had all claims from citizens of France adjudicated by a board of appraisers at the time of taking the property, and the same were promptly paid to each and every individual claimant. They also pursued the same policy toward their own citizens whose property they took or injured during the march of the German army from Berlin to Paris, and before they had reached French territory.

Indeed, there are notable precedents of the same sort in our own history. The Continental Congress voted to pay all claims incident to the Revolutionary war, without reference to the politics of the claimants and whether they were Tories or not. So in the Mexican war, General Scott ordered all property taken from private citizens of Mexico to be carefully appraised, and the same was promptly paid for by our Government. Coming down to more recent times, if the United States Government could afford to enter into an agreement with our enemy, Spain, as it did by the treaty of Paris, to pay to Spanish citizens, Cubans, and our own citizens for loss and damage of private property in Cuba by the operation of our forces, why can not the Government afford to pay, and why should it not pay, our own citizens for similar loss of property in the civil war? By that treaty of Paris not only did the United States agree with Spain, as stated, but it is now being insisted also that our Government went one step further and agreed to indemnify such sufferers for the injuries sustained from whatever source, whether through our own troops or the Spanish troops, or even through the insurgents themselves. And for the practical adjustment of these numerous claims, aggregating many millions of dollars, this Government has organized the Spanish Treaty Claims Commission now sitting in this city.

Mr. Chairman, I have so far purposely dwelt upon the equity side of this cause for which I am pleading, because my paramount hope of influencing your judgment and action is based upon my belief in the inherent sense of justice which actuates the members of this House in all their deliberations. But there is another phase of this case which will equally appeal to the understanding, as to the conscience, of this great body. Though not a lawyer, I may be justified in suggesting a few well-recognized principles of elementary law which deserve due weight in assisting your conclusions.

As demonstrated in the foregoing examples cited, our Government stands fully committed to the doctrine of such responsibility, and can not consistently assert the contrary; and so with nearly every other nation on earth. Moreover, the liability does not rest on the ground that the Government, to be held liable, has been guilty of negligence in not restraining the troops from taking or converting the property of the citizen to their use, but the general principle of law is thus stated by Baker in his treatise on international law:

> The responsibility of the State results from its neglect or inability to control the conduct of its subjects or its neglect or inability to punish the offenses and crimes which they commit.

It is futile to say that the depredations committed upon the noncombatants were necessary, and therefore unavoidable. They would not be so even in regular war. Halleck (chap. 21, sec. 18) has this to say:

> The evils resulting from irregular requisitions and foraging for the ordinary supplies of an army are so very great and so generally admitted that it has become a recognized maxim of war that the commanding officer who commits indiscriminate pillage and allows the taking of private property without a strict accountability, whether he be engaged in offensive or defensive operations, fails in his duty to his own government and violates the usages of modern warfare. It is sometimes alleged in excuse for such conduct that the general is unable to restrain his troops, but in the eyes of the law there is no excuse, for he who can not preserve order in his army has no right to command it.

I have referred to the precedent of the Mexican war. Under date of May 20, 1847, General Scott wrote from Mexico:

> If it be expected at Washington, as is now apprehended, that the Army is to support itself by forced contributions levied upon the country, we may ruin and exasperate the inhabitants and starve ourselves, for it is certain they would sooner remove and destroy the products of their farms than allow them to fall into our hands without compensation.

As to the general doctrine of such responsibility, I may here give a brief summary from Wharton's Digest:

> The resort to such measures as were adopted by the forces of the Haytian Government to suppress the local revolt against the Government and the laws may have been, and no doubt was, in the estimation of the Haytian Government, entirely justifiable; and this Government has no disposition to question the correctness of this view as to those precautionary municipal measures; but it follows, nevertheless, that the Government is answerable for the destruction of private property which may have been necessarily sacrificed to the success of such measures. (Sec. 223.)
>
> * * * * * * *
>
> The position of this Government is responsible for the misconduct of its soldiers when in the field, even when acting without orders from their superiors in command. (Sec. 225, Wharton.) * * * The unarmed citizen is to be spared in person, property, and honor as much as the exigencies of war will admit. (Ibid.)

But, Mr. Chairman, the repeal of this objectionable provision is advisable, not merely on grounds of equity and law, but from considerations of national amity and neighborly good will.

As is well known, the South at the end of the civil war, and for long afterwards, was impoverished, financially ruined. It had lost all except honor. Almost all of those whose property had been appropriated by the United States Government were poor men, made poor by the war, and could ill afford to spare the supplies thus taken from them. Many of them, or their descendants, are still poor, and sorely need this money to which they are justly entitled. Thousands of dollars' worth of these claims have been barred out by technicalities hinging upon this fourth section of the Bowman Act. If it were not for these technicalities they would be paid, as they ought to be paid. I can not believe that when the facts which I have so inadequately endeavored to set forth are appreciated in their true light and force by Congress and by the general public, this measure of justice will be much longer refused to the loyal and long-suffering claimants of my State and adjacent States.

I have spoken of loyalty. This question of loyalty is the test question, the core, the crux, of the whole matter. The South does not shrink from the test. It does not plead guilty to the charge of disloyalty during the years from 1861 to 1865. Disloyalty is not the right word in that connection. The awful war between the States was upon a disagreement between the sections as to which section was loyal to the Constitution. The North said the South was disloyal, and the South said the North was disloyal. The issue of the war settled the question practically in favor of the North, and the South accepted the result in good faith. Aside from that internal dissension, where can you find more loyal citizens of the United States than the South has always furnished and furnishes to-day? Think of the valiant heroes of Georgia, Virginia, and the Carolinas in the Revolutionary war—the men who,

though almost starved, barefooted, and in rags and tatters, and with only the most primitive arms and equipments, completely baffled the hosts of British regulars, and won over them an uninterrupted series of brilliant victories under the leadership of Sumter and Marion. Remember the exploits of the Southerners under Andrew Jackson in the war of 1812, and under Scott and Taylor in the Mexican war—the South furnishing far more than its equitable share of officers and troops in both those wars.

And then, as we can all remember, the South gloriously vindicated its loyalty to the Union by its conduct during the recent Spanish-American war. The sentiment has often been expressed that that war was incidentally a godsend to this country, in that it served as the final "healing act" for all the internal wounds of the past, and bound the two sections firmly together again in the bonds of genuine reconciliation and mutual love and confidence on the basis of a common patriotism. When the Spanish war broke out, the Southern Confederate veterans and their sons sprang with one accord to the defense of the Stars and Stripes, and fought for the flag on sea and land with unsurpassable bravery and vigor. The man who "held the fort" at Habana, single-handed, in the midst of open and hidden enemies, and in constant danger of assassination, was a Southerner of the Southerners, and the nephew of his uncle, General Lee. The first one to fall in that war was a Southerner, sealing his devotion to the Union with his heart's blood. And no State was behind Alabama in its services to the Union in that international struggle. Witness the gallant Hobson, whose act of daring self-sacrifice in the *Merrimac* will go down into history for all time. Witness the superb generalship of Wheeler, under whom President Roosevelt has declared he felt honored to serve—Wheeler, once the great Confederate cavalry leader, now one of the strong pillars of the reunited Republic. Aye, witness General Wheeler's daughters, on their missions of mercy in the hospital camps.

Yes, Mr. Chairman, the Southerners are in fact as much citizens, and as good citizens, of the United States to-day as are the Northerners, and they should be treated as such by the laws. The South does her full share of the fighting for the Union; she does her full share of the work of the country; she bears her full share of the burdens of the country; she gladly pays her full share of the $150,000,000 paid in pensions each year for Union soldiers; she is striving equally with the North for the honor, welfare, and advancement of the whole country. The two sections are in perfect unity, peace, and concord, each with the other, and all acts inconsistent with this so desirable condition of affairs should be forthwith repealed and thrown into the rubbish heap over the back fence of the past.

This fourth section of the Bowman Act should be the first one to go. Let it be thrown out at once, Mr. Chairman—the sooner the better—and all the people will say "Amen!" [Loud applause.]

I ask leave to incorporate in the RECORD with my remarks the Bowman Act referred to, together with a legal argument submitted by Mr. Gilbert Moyers, an eminent lawyer of this city.

ACTS OF CONGRESS RELATING TO THE PROSECUTION OF CONGRESSIONAL CASES.

THE BOWMAN ACT.

[22 Stat. L., p. 485.]

An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government.

Be it enacted, etc., That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

SEC. 2. That when a claim or matter is pending in any of the Executive Departments which may involve controverted questions of fact or law, the head of such department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall not enter judgment thereon, but shall report its findings and opinions to the department by which it was transmitted for its guidance and action.

SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operation of said forces during the said war at the seat of war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States.

SEC. 4. In any case of a claim for supplies or stores taken by or furnished to any part of military or naval forces of the United States for their use during the late war for the suppression of the rebellion, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States, and the fact of such loyalty shall be a jurisdictional fact; and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.

SEC. 5. That the Attorney-General, or his assistants, under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under this act, with the same power to interpose counterclaims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses, in like manner as he is now required to defend the United States in said court.

SEC. 6. That in the trial of such cases no person shall be excluded as a witness because he or she is a party to or interested in the same.

SEC. 7. That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

Approved March 3, 1883.

THE TUCKER ACT.

[24 Stat. L., p. 505.]

An act to provide for the bringing of suits against the Government of the United States.

This is an act providing for the prosecution of general jurisdiction cases, except section 14, which relates to Congressional cases, and is as follows:

"SEC. 14. That whenever any bill, except for a pension, shall be pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may refer the same to the Court of Claims, who shall proceed with the same in accordance with the provisions of the act approved March 3, 1883, entitled 'An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government,' and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy." Approved March 3, 1887. (Vol. 30, Stat. L., pp. 494, 495.)

"LACHES" AS AN ALLEGED OBJECTION TO THE PAYMENT BY CONGRESS OF CERTAIN SO-CALLED "BOWMAN AND TUCKER ACT" FINDINGS.

One of the chief purposes of the Tucker Act of 1887 was to relieve claimants from the hardships of certain statutes (which operated as statutes of limitations and bars) in the prosecution of claims against the United States for stores and supplies. The practical working in the court of the Bowman Act showed apparent injustice and great hardship to certain claimants. Relief of some kind was demanded, and the response thereto was the Tucker Act. The portion of the Tucker Act in respect to "laches" shows (by its language) that Congress intended to be very liberal toward claimants, and practically to repeal all statutes of limitations and statutes in bar of the prosecution of claims against the United States. It instructed the court to report whatever facts might appear tending to show that the claimants were not charged with want of due diligence. The doctrine of "laches" as applied in the courts of equity always goes to the conscience of the court. It is intended to relieve against the hardships of statutes, and somewhat of the common law.

The Tucker Act does not, in terms or by intendment, prohibit the court from making favorable findings for claimants, or guide Congress in providing the payment for findings. The Government does not permit any statute of limitations to run against itself when it undertakes to collect debts for itself. Why should it not treat its own citizens with similar consideration? In a very large proportion of the claims for "stores and supplies" the best evidence (and sometimes the only evidence) is in the archives of the Government. It has been either difficult or impossible for claimants to obtain this evidence in their favor, and never to obtain it except as an act of grace by the heads of departments or on an order of the court. It is apparent (without argument) that the Government can be guilty of no greater injustice toward its loyal citizens than to put up a bar of exclusion and apply the doctrine of "laches" when its various departments hold the only proofs (or most of the proofs) by which the citizen can establish his right.

It was never intended in any system of law that the doctrine of "laches" should be applied in suits against the Government. This doctrine applies almost exclusively in equity causes. It goes to the conscience of the court or the crown, and it is difficult, if not impossible, to find in the concrete any "conscience" in any legislative body, because there the individual member is guided by his own conscience, acts upon his own independent judgment, and "conscience" as it exists in a court of equity, or under a monarchial system, is wholly inconsistent with the legislative tribunal composed of independent members and two separate and independent bodies. The result is that any and all considerations of "laches," as applied in the courts, should be abandoned by Congress in determining whether the amounts stated in the findings of the Court of Claims under either the Bowman or Tucker act should be paid or not.

In this contention we are not without precedent, as Congress has recognized the liability of the Government by appropriations to pay the findings of the Court of Claims where loyalty and the merits have been determined favorably, without regard to laches. In the act of March 3, 1899, will be found appropriations to pay the following claims allowed by the court under the Tucker Act, where the court found especially in each case:

A. D. MEUILLON, DECEASED.

[52d Cong., 1st sess., H. R. Doc. 254.]

In this case the court found as follows:

"The deceased claimant was a native and citizen of France, and at the time of the taking of the property a resident alien within the United States. His claim was never presented to the Commissioners sitting under the treaty with France, January 15, 1880 (21 Stat. L., p. 673), and is barred by Article XI of the treaty. Neither was it ever presented to the Southern Claims Commission nor to any officer of the United States.

"The claimant has established no facts bearing upon the question whether the bar of the treaty with France above referred to should be removed, and no facts which tend to excuse the deceased claimant for not having resorted to any established legal remedy.

ADELINE N. LARCHE.

[55th Cong., 2d sess., H. R. Doc. 413.]

The following finding as to laches was made in this case:

"The claim was not presented to the Commissioners of Claims under the act 3d March, 1871, and is consequently barred under the provisions of the act 15th June, 1878 (20 Stat. L., p. 550, sec. 5). No evidence has been offered by the claimant under the act of 3d March, 1887 (24 Stat. L., p. 505, sec. 14), 'bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.'"

GEORGE GORMAN, DECEASED.

[52d Cong., 1st sess., H. R. Doc. 202.]

The finding as to laches in this case was as follows:

"The claim was not presented to the Commissioners of Claims. The only 'facts bearing upon the question whether there has been delay or laches in presenting the claim' (24 Stat. L., p. 505, sec. 14) are that George Gorman died intestate in 1869, leaving minor grandchildren as his heirs, and no letters of administration were taken on his estate during the time when the claim could have been filed before the Commissioners of Claims. The claim was first presented to Congress in December, 1883, by the said heirs. The eldest heir came of age in 1871."

In the act of May 27, 1902, is the following case:

GEORGE B. CALDWELL, ADMINISTRATOR HAMLIN CALDWELL, DECEASED.

[57th Cong., 1st sess., H. R. Doc. 214.]

The following was the finding in this case:

"The claim was not presented to the Commissioners of Claims under the act of March 3, 1871, and is consequently barred under the provisions of the act of June 15, 1878 (20 Stat. L., 550, sec. 5). No evidence has been offered by the claimant under the act of March 3, 1887 (24 Stat. L., 505, sec. 14), 'bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.'"

Furthermore, there was no act of Congress until that of March 3, 1871, providing for a tribunal where the claims of the loyal citizens of insurrectionary States might be adjudicated. This is the act creating what is known as the Southern Claims Commission. By the provisions of this act the commissioners were authorized to prescribe rules and regulutions as to the taking of testimony in the different cases presented to it. Among other rules prescribed by the commissioners is the following as to the taking of testimony:

"Where the claims are small, the claimants poor, and they and their witnesses live remote from Washington, it would amount to a denial of justice to require them to come here. In aid of such claimants and under the authority given to the commissioners to adopt rules and regulations for the taking of evidence, we decided to allow claimants whose claims did not exceed $3,000 to have depositions of themselves and their witnesses taken by special commissioners to be designated by us. We limited the right to claims not exceeding $3,000 because most of the claims are under that amount, and we believed that attempts to defraud the Government would generally be aimed at larger sums. With this limitation the cases have been numerous enough to employ all the time of special commissioners and to furnish us with more cases than we have had time to examine and decide."

So it will be seen that where cases exceeded $3,000 claimants were compelled to bring their witnesses to Washington.

Now, it is a well-known fact that the section of the country where these claims originated was impoverished by the depredations of the war, and the people were absolutely unable to comply with this requirement—that is, to bring witnesses from 1,000 to 1,500 miles to the capital of the nation in order to sustain the claims they had presented to said Commission. The result was that no proof was taken, and hence the claims became barred through no fault of the claimants, but simply owing to an unreasonable requirement made by Congress in the act referred to.

This is the only act upon the statute books of the United States giving relief to parties who have claims against the Government where the parties presenting claims were required to have their proof taken at the city of Washington. No such provision is to be found in the act creating any of the commissions organized to adjudicate claims, to wit, the Mixed Commission on British and American Claims, provided for in the act of Congress passed March 8, 1871. Neither were the claimants under the French and American Claims Commission required to bring their witnesses to Washington. In no case under the captured and abandoned property act were they so required, and it has not been required in any cases before the Court of Claims, involving a small or a large amount, whether falling under the general jurisdiction acts, the acts providing for the prosecution of Indian cases, or under the French spoliation act. Hence it may be safely asserted that the act of March 3, 1871, afforded a remedy beyond the ability of claimants to comply with as construed by the Commissioners of Claims, and it was not until the act of 1887, which is a general-jurisdiction act in all its provisions with the exception of section 14, that relief was afforded to Southern claimants in cases involving over $10,000, and the object of Congress in inserting that section in the act referred to is apparent. It was for the simple purpose of providing for all claims growing out of the war that were not provided for by the provisions of what is known as the Bowman Act.

Another reason for the failure of many claimants to avail themselves of the act of March 3, 1871, was the short period of time in which they could present their claims, viz, from the date of the act until March 3, 1873, only two years. It must be borne in mind that these claimants were, with few exceptions, farmers and planters, many of them residing in isolated sections of the country, far removed from towns or cities where they could come in contact with those informed as to their remedy for the losses they had sustained. Other claimants died before the act of 1871 was passed, leaving minors, who did not become aware of the existence of this tribunal until the limited time of two years had expired.

The act of Congress of March 12, 1863, known as the captured and abandoned property act, provided only for the adjudication of claims for property which was proven to have been taken by the United States forces and sold, the proceeds being converted into the United States Treasury. By reference to the decisions of the Court of Claims under that act it will be seen that wherever the claimants failed to establish the fact that their property was sold and that the money derived from such sale was placed in the Treasury their claims were dismissed for want of jurisdiction. This act, therefore, gave the Court of Claims no jurisdiction to hear and determine claims for stores and supplies taken and used by the United States Army.

That the question of laches should be disregarded in this class of claims is in strict consonance with the policy pursued by both the Committee on Claims of the Senate and the Committee on War Claims of the House in reporting favorably the bill providing for the revival of the right of action under the captured and abandoned property act. After careful consideration of this bill Congress has recognized the fact that such claimants are entitled to another day in court; that the statute of limitations prescribed for such cases—two years—was not sufficient. The statutory period in those cases was the same as that in claims before the Commissioners of Claims, but, in addition, it must be noted that those claimants were not required to bring their witnesses to Washington, but could examine them wheresoever the claimants desired their testimony to be taken. If such claimants are to be given another opportunity to prove the merits of their claims, regardless of any statute of limitations, it is submitted that those who have proven their loyalty and the taking and use of their property by the United States Army should not be denied their just due on account of any such statute.

"Laches" is never to be imputed to the Government. This doctrine has been announced by the Supreme Court of the United States, and is always recognized when the Government seeks remedies against its debtors. Why should not the Government recognize the same doctrine when its own citizens seek their remedy against the Government for losses by spoliations committed under its own authority to save itself?

These claimants were plundered that the Government might survive. "Laches" is never pleadable when the claimant was ignorant of his rights; when those rights were obscure or concealed; when he was under any legal disability, such as insanity, coverture, etc. (and when he was an heir), infancy, etc.; but for "stores and supplies" there was never any remedy until the Bowman Act, in 1883, except the limited and narrow Southern Claims Commission which was closed to those who could not afford to pay mileage and time to witnesess to and in Washington, where claims exceeded the maximum limit imposed by the law and the rule established by the Commission duly empowered to make such a rule.

Claimants for cotton could enter the Court of Claims under the captured and abandoned property act, but claimants for "stores and supplies" could not. They were shut out. The general reputation of the Government in not paying its unwritten debts is so notorious and chronic as to discourage everyone except the most daring and patient. The cases cited, supra, show that Congress in paying them established a precedent, and thereby advised claimants and their attorneys and the court that the issue of "laches" was not longer open and no evidence need be presented as to it. Attorneys have been misled in supposing that Congress no longer insisted on the technical and shadowy defense of "laches," which ill becomes a "sovereign power" to defend its coffers against long-suffering citizens. It is an ill-judged and discreditable defense. It disgraces and smirches the national name. It makes men sullen and unpatriotic. No government that repudiates unwritten debts and obligations of honor can ever be strong in the affections of the people. They can render in return only a grudging and poor service. Payment and patriotism are synonymous and convertible terms.

That "sovereign power" which pays only its "pay-roll" debts and written obligations will not survive the rust and "effacing hand of time." It plants in its own bosom the seeds of decay. These "laches" claimants have either been wholly remediless or had doled out them an impracticable remedy like the Southern Claims Commission—a bygone tribunal. By the "laches" of claimants the Government saved the interest.

Respectfully submitted by

GILBERT MOYERS
For SUNDRY CLAIMANTS.

The SENATE COMMITTEE ON CLAIMS AND
HOUSE COMMITTEE ON WAR CLAIMS.

Mr. FOWLER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16228, and had come to no resolution thereon.

AUTOMATIC COUPLERS AND SAFETY APPLIANCES.

Mr. WANGER. Mr. Speaker, I desire to present a conference report and statement to be printed in the RECORD.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

The bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896.

The SPEAKER. It will be printed in the RECORD under the rule.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3560) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, and amended April 1, 1896, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with amendments as follows:

On page 2, line 2, after the word "Columbia," insert the words "and shall apply in all cases, whether or not the couplers brought together are of the same kind, make, or type."

On page 2, line 3, after the word "to," insert the words "train brakes."

On page 2, line 4, after the word "all," insert the word "trains."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: Strike out of amendment numbered 2 the words, "*Provided*, That the Interstate Commerce Commission may, upon application and after full hearing, decrease said minimum percentage as to any common carrier for a stated limited time; and provided that in no case shall such reduction permit the running of any train with less power or train brakes than are required by section 1 of the act of March 2, 1893;" and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House numbered 3, 4, and 5, and agree to the same.

IRVING P. WANGER,
J. S. SHERMAN,
W. C. ADAMSON,
Managers on the part of the House.

J. B. FORAKER,
J. H. MILLARD,
MURPHY J. FOSTER,
Managers on the part of the Senate.

STATEMENT.

The conferees on the part of the House on the disagreeing votes of the two Houses on the bill S. 3530 make the following statement:

The amendments agreed upon to secure the first amendment of the House are chiefly by way of verbal correction and make more perfect the provisions sought to be secured by the original amendment.

The second amendment fixed the minimum percentage of air-braked cars which must have their brakes used, with authority to the Interstate Commerce Commission to increase or decrease such minimum. The amendment to this amendment withdraws the authority to reduce such minimum.

Amendments Nos. 3 and 4 provide that the provisions of the act shall not go into effect until September 1, 1903.

Amendment No. 5 continues the duty by common carriers to observe all the requirements of the act of March 2, 1893, as amended by the act of April 1, 1896, and extends the provisions of that act as to the Interstate Commerce Commission and to district attorneys to this act.

The SPEAKER. The Chair makes the following announcement:

The Clerk read as follows:

House members of the committee to represent the Congress of the United States at the celebration of the one hundredth anniversary of the signing of the treaty for the purchase of the Louisiana Territory—JAMES A. TAWNEY, JAMES S. SHERMAN, THAD M. MAHON, RICHARD BARTHOLDT, H. C. VAN VOORHIS, RICHARD WAYNE PARKER, JESSE OVERSTREET, JAMES R. MANN, WALTER I. SMITH, JAMES M. MILLER, E. J. BURKETT, S. M. ROBERTSON, C. L. BARTLETT, JOHN F. SHAFROTH, JAMES HAY.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House was requested:

H. R. 16910. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1904.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 7407. An act to authorize the Donora Southern Railroad Company, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania; and

S. 7337. An act to amend an act of December 21, 1898, entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," in respect to allotments.

CONTESTED-ELECTION CASE—WAGONER AGAINST BUTLER.

Mr. ROBINSON of Indiana. Mr. Speaker, to avoid misinterpretation of the unanimous consent granted to the minority as to filing their views in the contested-election case of Wagoner against Butler, I wish to state that the minority has been engaged upon those views ever since 9 o'clock this morning. I want to ask the gentleman from Pennsylvania if he will not ask unanimous consent to extend the time until 12 o'clock to-night, and let them be filed before that time with the Public Printer. We will probably get them ready within an hour.

Mr. OLMSTED. Mr. Speaker, we desire that the minority shall have that privilege, and I ask unanimous consent that the time be extended in accordance with the request of the gentleman from Indiana.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the minority in the St. Louis contested-election case may have until 12 o'clock to-night to file their views with the Government Printer, to be printed in the RECORD in the morning. Is there objection? [After a pause.] The Chair hears none.

The views of the minority are as follows:

The undersigned members of the Committee on Elections No. 2 dissent from the conclusions reached by the majority in the above-entitled case, and respectfully present the following reasons therefor:

The official returns gave the contestee a plurality of 6,293, as shown by the following vote—

	Butler, D.	Wagoner, R.
St. Louis city wards:		
4	2,219	296
5	1,837	557
6	1,650	1,037
7 (precinct 12)	92	61
12 (precincts 11 and 12)	101	389
13	1,489	1,591
14	2,248	636
15 (except precincts 2, 3, and 1)	795	530
20 (precinct 1)	69	86
21 (precincts 1 and 2)	189	276
22	1,960	1,082
23	1,989	885
24	1,415	1,909
25 (precincts 1 to 6, inclusive)	543	804
28 (precincts 1 and 2)	248	412
Total	16,844	10,551

Scattering	8
Total vote	27,660
Butler's plurality	6,293
Butler's majority	6,028

at the Congressional election held November 4, 1902, in a special election called by the governor of Missouri to fill a vacancy in the Fifty-seventh Congress occasioned by the declaration of this House in its resolution adopted June 28, 1902, declaring that no valid election had been theretofore held to fill the seat from the Twelfth Congressional district of Missouri in the Fifty-seventh Congress.

Mr. Butler was the regular unanimous nominee of the Democratic party in that district for the election for member of Congress to fill the vacancy in the Fifty-seventh Congress. He was likewise the regular unanimous nominee of the Democratic party for the seat in the Fifty-eighth Congress from the Twelfth Congressional district of Missouri. As a candidate against him for the seat in the Fifty-eighth Congress George D. Reynolds was the Republican nominee. For the seat in the Fifty-seventh Congress, to fill the vacancy, no regular nomination was made by the Republican party.

The name of George C. R. Wagoner, who had circulated a petition to be placed on the ballot as a candidate nominated by electors, was, by the board of election commissioners, after the Republican party had failed to make a regular Republican nomination, placed upon the official Republican ballot without protest from the contestee.

December 2 contestant presented a memorial to this House setting forth his notice of contest, and claiming to have been duly elected a member of this House. In December of this session a resolution was adopted by the House which was as follows:

"RESOLUTION.

"*Resolved*, That in the contested election case of George C. R. Wagoner *v.* James J. Butler, from the Twelfth Congressional district of Missouri, the contestee shall be required to serve upon the contestant his answer to notice of contest on or before December 15, 1902, and that the time for taking and completing testimony in such case shall be limited as follows: The contestant shall be allowed from December 15, 1902, until and including January 3, 1903, in which to take testimony; the contestee shall be allowed from January 3, 1903, until and including January 27, 1903, for the taking of his testimony; and the contestant shall be allowed from January 27, 1903, until and including February 1, 1903, for the taking of testimony in rebuttal.

"As soon as the testimony shall have been received by the Clerk of this House it shall at once be referred to the Committee on Elections No. 2, and the said committee shall proceed to the consideration of the case, and, having first afforded to the parties an opportunity to be heard as to the merits of the same, shall report to this House its conclusions with respect to such case in time to afford to the House an opportunity to pass upon the same during the present session of Congress. Except so far as herein otherwise provided, this case shall be governed by the ordinary rules of procedure in contested Congressional election cases."

The notice of contest charged that in 63 of the total of 116 election precincts in the district there were such irregularities as would warrant Congress in depriving Mr. Butler of the seat, and confirming Mr. Wagoner as a Representative from the Twelfth Congressional district in this Congress.

At the very beginning of the report of the majority of this committee the partisan character of the same and the utterly unfair attitude of the majority of this committee is evidenced by the unwarranted and undignified attack which is made upon the eastern portion of the district, which embraces the precincts which returned pluralities in favor of Mr. Butler. These precincts in toto are characterized by the report as "the worst portions of the city and contain the lowest classes of her inhabitants." This characterization is absolutely gratuitous and not borne out by the evidence as far as disclosed by the argument of counsel or the ability of the committee to read the same.

We conclude, as a result of the conclusions of the committee, that it was the judgment of the majority to disfranchise all the voters who are so unfortunate as to be compelled to reside in the eastern or Democratic portion of the Twelfth Congressional district of Missouri. Certain it is that by the report of this committee, which excludes 41 of these precincts from the count, that all of the voters in these 41 precincts of the Twelfth Congressional district are disfranchised and excluded from participation in their constitutional privileges by this action.

The report of the majority of the committee in its opening paragraphs seems to give undue prominence to the election contest of Horton *v.* Butler in the former session of this Congress, in which both contestant and contestee were unseated because of fraud on the part of both Democrats and Republicans in the election of 1900 in that district.

The report in that case said:

"It appears that about 5,000 votes were cast for the contestee and about 2,000 for the contestant under names and addresses which a careful canvass could not discover as representing actual residents. We can not apply one rule of inference to one side and refuse to apply it to the other side. Nor can we, when so many votes apparently tainted with fraud are involved, determine that he who has least benefited by them shall be declared elected.

"In so far as the force of this particular item of testimony is alone considered, unaffected by the other evidence in the case, it would appear that the iniquity of the Republican managers differed from that of the Democratic managers only in degree."

On the face of the returns at the election of 1900 Mr. Butler had a majority of 3,553.

At the election for the short term now contested he had on the face of the returns, in the same district, a majority of 6,293.

Phases of this contest, and the report of the majority of the committee herein filed, impels the conclusion that a lack of judicial inquiry has ensued.

A speed is invoked that forestalls a due consideration of the mass of evidence and exhibits.

A partisanship seems to have usurped the place of reason and calm judicial inquiry.

A partisan for contestant, subordinating the justice of the case, considered from the standpoint of judicial and ethical inquiry, can find in partisanship his refuge in the position that it is a covert if not an open partisan attempt dexterously to sustain a policy conceived from and growing out of the unseating of the present contestee in the last session.

This policy preconceived is not chargeable to the House membership, nor to members of any election committee thereof.

That it exists is apparent. It is elaborate enough to not only extend at this time to a sustaining of the report in the last contest from this district settled in the last session but goes to the next Congress, and herein is found the reasons for the special reference in the report to both.

A change in this pre-thought-out policy has not been wrought by the designers of it or by the unexpected election of the contestee by a majority of some thousands. It needs but a casual reading of the present report to show the lines and systems, the arguments and reasons, and the salient points in the former report, and the promoters of the plan will hope for the same characteristics in the next.

In the last contest Elections Committee No. 1 considered it; in this it is shifted to Elections Committee No. 2. This may be urged as evidence of supreme fairness. The whole proceeding bears the characteristics so patent and the earmarks so plain as to free it from the element of fairness which this reference would bear, and show the contrary to have been the hope, and such hope, it has turned out, was not in vain.

The report now made, the procedure leading up to it, the failure to give time for consideration of the case, and the failure to give judicial determination to it in a manner that would give a judicial weight to the report, all show procedure and conclusions that the minority can not subscribe to or ask the House of Representatives to indorse.

The members of the minority of the committee will not stultify themselves by sanctioning conclusions that no one could by a judicial inquiry, within the time allotted, draw from the mass of conflicting evidence presented.

The contestant was not in an advantageous position as representing the Republican party on the ballot.

All Republican candidates in St. Louis suffered by the internecine factional wars in the Republican organization and party. The result of this internal and party disorganization is shown by the election returns, not only

of all the Republican candidates for Congress, but of all Republican candidates.

It resulted to that party in tumults and disorders, appeals to courts and conflicting party organizations, decisions by courts and party organizations repudiated and spurned; it led to criminations and recriminations, and resulted in chaos not unlike that mentioned in the first chapter of Genesis.

This is amply shown by the open revolt by Republicans of high standing, and the record shows scores of leading representative Republicans who were willing to testify to such conditions. As bearing on the ability of the contestant as a vote getter these fact are important. He did not run as a candidate for the long term, but was vouchsafed a scant three months of service involved in the short time.

Here are some of the evidences of internal disorder:

The contestant filed a petition of voters to appear as a candidate for the short term. A like petition was filed by Loffhagen for the long term and by Reynolds for the long term, and by him for the short term.

A petition from the central committee was filed by Reynolds for the long term and for the short term.

A convention nominated Reynolds for the short and long term.

A minority from this convention nominated contestant for the short term and Loffhagen for the long term.

Loffhagen withdrew for the long term and Reynolds withdrew for the short term. Here we have the manifold and conflicting efforts of the contestant to get on the ticket, which was the fruit of Republican disorder.

The contestant was not a resident of his district, but registered and voted from his place of business in the district in which he was a candidate. His eligibility to run in the district is not questioned, but his power as a vote getter is questioned.

His right to run in the manner he did as a representative of the Republican party on the ballot is deemed as a matter of law, and this position is supported by the best authority.

By the action of the Committee on Elections No. 1 in the last session the seat was declared vacant. In effect, it was to say to the parties:

"We disfranchise you for the present in the Twelfth district and set aside the rights of the State of Missouri, but at the coming election a choice can be made."

With a knowledge that appeal to the courts would deny the right of the contestant here to be placed on the ballot as a candidate, with thoughts that this would result from an appeal to the courts and with time fully adequate to present it to the court, the contestee magnanimously waived his right and the advantage thus offered, and did not take this step, and expressly waived it in the examination of witnesses and before the committee, so that this result of the election could be solved by the legitimate voters of the district, unhampered by anything that would prevent a fair consideration and decision.

Any evidence of fraud, violence, or irregularities in any precinct, as shown by the sworn evidence, is not on a fair construction more than the usual results incident to large cities and congested population of the character incident to localities in such cities.

By the report of the former contest against the sitting member these frauds were asserted against the partisans of both parties to the contest, and in this contest the record shows that what fraud or irregularity there was in different precincts was chargeable to both parties.

In some precincts the anomalous condition is presented that Republican candidates for justice of the peace, as well as those for constable, subordinated the Republican candidate for Congress to their own ambitions to serve the people as justice of the peace or constable in these courts.

In no way does the record show, nor does the majority of the committee claim, that Mr. Butler was in any way connected with any fraud, irregularity, or violence, or responsible for it.

The rule that where pure ballots can be separated from those tainted by fraud the former should be counted has not been pursued by the majority of the committee, but to seat the contestant they have rejected in a wholesale manner all the ballots in many precincts, thus depriving the legal voters of their rights, and thus depriving them as citizens of the right to have their ballots counted.

The inevitable conclusion follows that the majority of the committee were willing to accept results on the authority of partisans of contestant who formulated reports and data in his behalf, biased as they were in their interest in Mr. Butler's loss of a seat.

The most charitable judgment, which falls far short of giving any integrity to the report of the majority of the committee, is found in that they do not care to go through the long and laborious task of finding the truth for themselves and separating the legal from the illegal ballots, but are content to accept the result on the authority of partisan leaders for the contestant, for which work the majority may not have had the time, possibly no inclination.

Their action in failing to consider all the evidence in a careful and orderly manner does not give dignity to their report or place upon it that seal of accuracy and integrity that commends it to a judicial mind or that should commend it to the House of Representatives.

A brief time was given to the agents of contestee to prepare data, which was forthcoming within the time allotted, for the use of the committee and bearing upon vital points in the case, but the report was practically completed long before the time that the data were to be furnished to the committee, and this action does not bear the light of day except upon the theory of foreclosure, above referred to.

The hearings before the committee were all open; no subcommittee was appointed to consider any branch or feature of the case, save, however, that which subsequent experience has fully proven, that the preconceived purpose of unseating the contestee had dominated all the proceedings without regard to that fair and judicial determination that should characterize a committee having for its functions judicial inquiry.

The gentleman from Maine [Mr. LITTLEFIELD] did not sign the report of the majority. He was absent during all the hearings of the case, and his most important public duties in other lines is ample excuse for his nonattendance, and the fact of his absence is only mentioned to show that this report does not bear his judicial indorsement.

Mr. DWIGHT, New York, was absent from all the meetings and deliberations of the committee while the committee was engaged in open session, and as this time involved all the time up to within two hours of the presentation of the report to the House, it can be stated that his absence was continuous till such last meeting. His absence is properly excused by his illness, and the facts are mentioned only to show with what sanctity the report comes to this House.

The other seven members of the committee, including three Democrats, were constant in their attendance, and the minority feel constrained to say that these members attended, giving their best thought and time to the consideration of the case, but that, with a possible exception or two, the majority members of the committee were convinced that within the time allotted no safe and judicial consideration could be given to the complex and important case. These conclusions are not unreasonable.

The minority members of the committee did not attend the last meeting of the committee, and the excuse for that is found in the general and undeniable rumor of a fact that the dominant force had prejudged the case, had determined to report adversely to the contestee, and that no sufficient time would be given the minority to present their views on the case unless that minority at once began to prepare those views, which they have continuously and laboriously since that time been striving to do, and at this hour of 4.30 they have but thirty minutes more under the order of the House and only have slender hopes, with all this industry, of accomplishing the task.

The printed evidence reached the committee in sections, commencing February 16, and the final printing of the evidence was completed February 23. It embraces 2,400 pages, and was accompanied by 1,200 pounds of exhibits. The argument consumed twelve hours, and continued from February 16 to the 21st. These arguments were taken by reporters and were to be printed for the use of the committee.

These apparent facilities for the fair and judicial determination of the case were foreclosed by the early report to the House on the 25th of February, not to speak of them as a work of transparent supererogation in view of the prearranged intent that is proven by subsequent events and which has characterized acts in the case since the advent of the contestant and his partisan, coming fresh from the close of the evidence at St. Louis on January 31.

It is not intended to say that the parties to this contest did not do all they could to present evidence to Congress, though Congress, by a close vote, declined to send a subcommittee to St. Louis to separate the wheat from the chaff and to hear the evidence in the first instance. The parties introduced a large mass of evidence—too much, indeed, for a fair consideration of the case upon its merits this session—and within that limited time brought 2,300 pages; and by a system of taking evidence to secure what was thought to be needed, as high as eight notaries were engaged at the same time in taking the examination.

In this fact we find more dereliction on the part of the majority of the committee in attempting to pass judicially upon this evidence without reading it or any major part of it, which is not possible in the time, than we complain of the parties for not having sufficient evidence on which to determine the case.

The so-called Nesbit law, which was adopted in 1899, and which provides election machinery applicable to the city of St. Louis only, comes in for a general discussion and disapprobation by the report of the majority, while in the argument before the committee there was practically nothing said by counsel for the contestant against the integrity and the fairness of the Nesbit law. This is another bit of fancy carpentry, intended to dovetail the report of this committee into the report of Committee on Elections No. 1, in the Horton-Butler contest in the first session of the Fifty-seventh Congress.

Complaint is made in the report that prior to the adoption of the law, in 1898, this district elected a Republican Congressman by a majority of 2,321, but since the adoption of the law, in 1900 and 1902, Democratic majorities have been returned. The majority here carefully refrains from saying anything concerning the disunited condition of the Democratic party upon the financial issue in 1893 and 1898, and their practical unity since that time.

Members of Congress who were returned to this House by majorities ranging up in the thousands, and retired from the present Congress by like majorities, will be visibly moved by the convincing logic and the eloquence of this statement contained in the report of the majority. It is true that the Republican party carried this district in 1896 and in 1898, and the evidence shows that only one other time in twenty-five years did they carry it.

It has been demonstrated in the argument in this case that every feature of what is known as the Nesbit law, which was criticised by the majority of the Committee on Elections No. 1 in their report, first session of this Congress, has been absolutely cured by legislation which was in force at the time of this election. The Committee on Elections No. 1 charged that the chief elements of weakness in the Nesbit law might be summarized as follows:

"(1) The entire election machinery is in the hands of three election commissioners appointed by the governor, of whom one must be politically opposed to the governor. The act of the majority is the act of the board.

"(2) The election commissioners must appoint a deputy election commissioner, who is 'vested with all the powers and duties of the commissioners during their absence, sickness, or inability to perform their duties.'

"With a complacent or corrupt majority the minority member might as well take a journey to the North Pole as to attempt to take any efficient part in the management of the election machinery.

"(3) Under the provisions of section 7226 practically all of the city registration occurs at the office of the election commissioners. A very small percentage is conducted before the precinct registration boards.

"The wit of man has not yet devised a larger opportunity for fraudulent registration than this.

"(4) The board of election commissioners—which, if need be, is the deputy commissioner—appoints four judges of election and two clerks.

"'Two of said judges and one of said clerks of election shall belong to and be members of the party of opposite politics to the other two judges and clerks.'

"This provision seems to be fair and innocent. But the difficulty about it is that the board of election commissioners, or their conveniently empowered deputy, are the judges, from whose judgment there is no appeal as to the political qualifications of the judges and clerks whom they select."

In other words, the two salient objections to the Nesbitt law which that committee found in its report were, first, that clause which authorized the appointment of a deputy election commissioner and the investiture in him of the powers of the entire board; and secondly, that feature which made them the absolute judge or tribunal for deciding the Republicanism or non-Republicanism of the man appointed to act for the Republican party.

The first amendment absolutely abolished the power to appoint a deputy election commissioner. That power seemed to give most annoyance to the committee when the matter came up before. That feature of the law was absolutely eliminated by the legislation of 1901. The further complaint was that the law lacked an element of fairness in that the judges of the opposite party might be other than members of that party.

The amendment of 1901 provided that there should be two judges and one of the clerks on the precinct election board members of the party which is next in numbers to the one that elects the governor—that is, the Republican party. Thus the amendments of 1901 answered every contention for fairness of the majority of the Committee on Elections No. 1.

We quote the old law:

"Two of said judges and one of said clerks of election shall belong to and be members of the party of opposite politics to the other two judges and clerk."

We quote the new law. It is section 7229:

"SEC. 7229. *Judges and clerks to be selected—Qualifications.*—Such board of election commissioners shall as early as practicable prior to the first city or State election after this act becomes a law select and choose four electors as judges of election for each precinct in such city; they must be citizens of the United States, and entitled to vote in such precinct at the next election; must be men of good repute and character; be of good understanding and capable; they must reside in the ward in which the precinct for which they are selected to act is situated, and not hold any office or employment under the United States, the State of Missouri, or the city in which such election is held, and not be candidates for any office at the next ensuing election; two clerks of election for each precinct shall also be selected within the same time

by such commissioners, who shall possess the same qualifications as the judges aforesaid.

"Before entering upon the duties of their offices, each judge and clerk so appointed shall take and subscribe to like oath as that taken and subscribed by the election commissioners and file the same in the office of the election commissioners. Said judges and clerks shall be appointed for a term ending thirty days prior to the next State election after the election at which they were appointed to serve, and shall, during said term, serve as judges and clerks at all special, local, or municipal elections in such cities; where a vacancy in the office of judge or clerk shall occur from any cause, said commissioners shall make an appointment as herein provided to fill such vacancy.

"Two of said judges and one of said clerks of election shall belong to, and be members of, the political party which, at the last general State election for State officers, polled the highest number of votes for governor, and two of said judges and one of said clerks of election shall belong to, and be members of, the political party which, at said last State election, polled the next highest number of votes for governor; and the names of two of said judges and one of said clerks shall be designated by the election commissioner or commissioners belonging to and a member or members of the same political party as such judges and clerks, subject to ratification by the board of election commissioners, but said board of election commissioners shall accord to each of the aforesaid political parties equal representation in the appointment of judges and clerks.

"If any person holding the position of judge or clerk of election is found not to possess all qualifications prescribed in this section, or if any such judge or clerk shall be guilty of neglecting the duties of the place, or be guilty of any official misconduct, then such person shall be removed from office by the commissioners, and any such vacancy shall be immediately filled by the appointment of a suitable person to such place, who shall be selected and appointed as this section provides."

Can there be devised a more thoroughly safeguarded provision than that? To say that this provision is fair and to attack the results attained under it is to attack the administration, the integrity, the honesty, the patriotism of the government of the State of Missouri.

Not to be accused of lacking the boldness which piratic partisanship demands of its devotees, the majority of this committee says:

"The election machinery of the whole city is placed under the control of the board of election commissioners, composed of three members appointed by the governor for a term of four years. The law does indeed provide that one of said commissioners shall be a member of and belong to the leading party politically opposed to that to which the governor belongs. Nevertheless, he is selected by the governor and not likely to be very antagonistic to the party whose governor confers upon him the position."

Could desperation devise a more bitter, a more cruel, a more venomous, a more cold, heartless, not to say cowardly, attack upon the Republican commissioner of elections of the city of St. Louis, who is at the present time Mr. Louis P. Aloe, who, according to the evidence taken in this case, is a man of the highest standing as a man and as a Republican—the president of the Merchants' League Republican Club in the city of St. Louis at the time of his appointment, the most powerful Republican organization west of the Alleghenies Mountains; formerly president of the League of Republican Clubs of the State of Missouri, and who, less than two weeks ago, was selected and presided as toastmaster over the annual banquet of the League of Republican Clubs of Missouri.

As to the administration of this law, concerning the appointment of Republican judges and clerks, the minority desires to direct the attention of the House to the testimony of James McCaffery, chairman of the board of election commissioners.

APPOINTMENT OF REPUBLICAN JUDGES AND CLERKS.

James McCaffery, chairman of the board of election commissioners:

Direct examination by Mr. Walsh (p. 1535):

"Q. Did you, as a member of the board of election commissioners of the city of St. Louis, direct, or order, or appoint the judges and clerks to act November 4, 1902?

"A. Never appointed a single clerk or judge.

"Q. Were they appointed under your direction?

"A. No, sir."

Page 1536:

"Q. How are they appointed or how do they become clerks and judges?

"A. By the board of election commissioners as a board.

"Q. And you are a member of that board?

"A. Yes, sir.

"Q. And president of that board as well?

"A. Chairman; yes, sir.

"Q. What is the method, or what was the method, used with reference to the appointment of judges and clerks for the Republican and Democratic parties for the election which was held on November 4, 1902?

"A. The judges and clerks are recommended by the Democratic central committee for the Democrats and by the Republican central committee for the Republicans—the Republicans are recommended by the Republican central committee and appointed by the Republican member of the board of election commissioners, subject to the approval of the board of election commissioners.

"Q. So that all the judges and clerks who officiated at the election on November 4 were recommended to your board by the committeemen of the various wards in which they served?

"A. Yes; without any exception whatsoever."

Also testimony of John M. Wood, member board of election commissioners.

Direct examination by Mr. Walsh (pp. 1549 and 1550):

"Q. Do you, as a member of the board of election commissioners, assist in the appointment of the judges and clerks who acted at the election held November 4, 1902, in this city?

"A. Yes, sir.

"Q. Will you state the method under which those judges and clerks were appointed?

"A. Yes, sir; they were nominated by the committees of the two leading parties, to wit, the Republican and the Democratic parties. In other words, as the statutes provide, the committeemen of each of those parties submitted to us a list of judges and clerks for the election, and in each instance, unless objection was made, or there was some evidence furnished us, or we had of own knowledge information that the parties whose names were suggested were incompetent or otherwise unfit, we followed the recommendations of the committees and selected judges and clerks out of the lists submitted.

"Q. Where any one of the judges and clerks were discovered to be unfit, what method did you pursue for the purpose of filling the office vacated under those circumstances?

"A. We selected another man from the same list. The statute provides that they shall submit a number of names; and when one man was rejected we picked another from the same list of the same party. Wherever we refused to accept the man who had been nominated by one side or the other we substitutad in his place another one from the same list.

"Q. But all of those appointments which were made by your board—you selected as representative of the various parties only those who were suggested to you by the committeemen of the various parties?

"A. Yes, sir; and my recollection at this time is that out of all of the names suggested there were very few—perhaps as many as ten—that were rejected.

"Q. Was there any controversy between the members of the board on this question?

"A. No, sir.

"Your board always met with the two Democratic and one Republican member?

"A. Yes, sir. We never have, so far as I can recollect, transacted any business except a representative of both parties was present. Well, perhaps once in a while—I don't now recollect of an instance, but I know so far as unimportant matters, formal matters, such as the giving an order to get blanks, or something of that kind, where the Republican member of the committee said he was busy and for the other members to attend to that, or when the Democratic member said he could not be present, and for the Republican and the other member to do it—I think possibly that may have happened once or twice during the past year.

"Q. That was in connection with ordinary routine matters?

"A. Yes, sir; altogether.

"Q. And had no direct bearing on these elections?

"A. Nothing bearing on the elections at all. Regarding the appointment of clerks and everything else we did, the full board was always present on that.

"Q. Isn't it a fact in connection with the appointment of the Republican judges and clerks that that matter was left practically and entirely in the hands of the Republican member of the board?

"A. Yes, sir; altogether."

And, further, to the testimony of Charles Claudius (p. 1509-1510), who was the chief Republican clerk under the immediate orders of the Republican election commissioner.

"Direct examination by Mr. WALSH:

"Q. State your name and address.

"A. Charles Claudius; 4630 Nebraska avenue.

"Q. What official position did you hold November 4, 1902?

"A. Assistant in the election commissioner's office.

"Q. What party were you affiliated with?

"A. Republican.

"Q. Were you there as appointee of the Republicans?

"A. Yes, sir.

"Q. In that capacity did you receive the communications from the various committeemen as to the appointments for the officials of your party to be placed in the polling places on election day, November 4, 1902?

"A. Yes, sir.

"Q. Now, have you any records of the official communications you received?

"A. Mr. Aloe has them; I turned them over to him.

"Q. Who is Mr. Aloe?

"A. The Republican election commissioner.

"Q. Can you recollect who communicated with you as to the appointment of judges and clerks in the Fourth Ward?

"A. In the Fourth Ward? That was Judge Walker, I think.

"Q. Robert Walker?

"A. Yes, sir.

"Q. Were all the appointments for the Republican party for judges and clerks in the Fourth Ward made at the suggestion of Robert Walker?

"A. Yes, sir.

"Q. Now, who did you receive a communication from from the Fifth Ward with reference to these matters?

"A. Joseph Schuler.

"Q. He is the committeeman of the Fifth Ward?

"A. Yes, sir.

"Q. I want to ask you that question with reference to the Fourth Ward, Robert Walker.

"A. He is the Republican committeeman from the Fourth Ward."

Page 1510:

"Q. Who did you receive a communication from with regard to the appointment of judges and clerks for the Sixth Ward?

"A. John B. Owen.

"Q. The gentleman who has just testified?

"A. Yes, sir.

"Q. And Mr. Owen represents the Republican party?

"A. Republican committeeman of the Sixth Ward.

"Q. Who did you receive a communication from with reference to the Twelfth Ward?

"A. Twelfth Ward? O. A. Alt.

"Q. He is what in the party?

"A. Republican committeeman.

"Q. Of the Twelfth Ward?

"A. Yes, sir.

"Q. Did you receive a communication, also, from a representative of the Thirteenth Ward?

"A. From some attorney; I forget his name—William H. Ludwig.

"Q. He was what in the party?

"A. Republican central committeeman.

"Q. For what ward?

"A. Thirteenth Ward.

"Q. Who did you receive communications from for the Fourteenth Ward with reference to the judges and clerks?

"A. Judge Cramer, Sigmund.

"Q. Who and what is he?

"A. Republican committeeman of the Fourteenth Ward.

"Q. Now, for the Fifteenth Ward, who furnished the list of judges and clerks for the Republican party?

"A. Fifteenth Ward?

"Q. Slingman, wasn't it?

"A. Yes, sir.

"Q. Who and what was he in the Republican party?

"A. Republican committeeman of the Fifteenth Ward.

"Q. Who gave you the information from the Twentieth Ward?

"A. Twentieth? Nat Goldstein.

"Q. Who and what is he?

"A. Republican committeeman.

"Q. For the Twentieth Ward?

"A. Yes, sir.

"Q. Whom from the Twenty-first Ward?

"A. Charlie Day.

"Q. Who and what is he?

"A. Hold up; that is wrong. The Twenty-first? I don't remember now.

"Q. Who gave you information from the Twenty-second Ward?

"A. Charlie Day.

"Q. Who and what is he?

"A. He is Republican central committeeman.

"Q. And from the Twenty-third Ward?
"A. Well, that was Pat Clark and Patty Regan.
"Q. Who is Pat Clark?
"A. A Republican central committeeman of that ward.
"Q. And who is Patty Reagan?
"A. He was running for justice of the peace.
"Q. He was the candidate for justice in the Twenty-third Ward?
"A. In the Twenty-third; yes, sir.
"Q. What position does he hold?
"A. Assistant in the election commissioners' office.
"Q. Representing what party?
"A. Republican.
"Q. What party was he a candidate for? On what ticket?
"A. Republican.
"Q. How about the Twenty-fourth Ward?
"A. That was furnished by Blake and Fred Smith.
"Q. Who is Blake?
"A. Chairman of the Republican city committee.
"Q. Who is Fred Smith?
"A. He was the Republican candidate for sheriff.
"Q. And from the Twenty-fifth Ward?
"A. George P. Weinbrenner.
"Q. What is he?
"A. Republican committeeman.
"Q. Now from the Twenty-eighth?
"A. That was furnished by Bonner.
"Q. Who and what is he?
"A. Republican committeeman.
"Q. Now, Mr. Weinbrenner is also the jury commissioner appointed by the Republican circuit judges?
"A. Yes, sir.
"Q. He still holds that office?
"A. Yes, sir.
"Q. All of these committeemen whom you have named, they are all Republican representative members of the city organization?
"A. Yes, sir.
"Q. Have you been able to recall the name of the committeeman from the Twenty-first?
"A. I believe it is Dr. Pritchett; I am not sure.
"Q. If it is Dr. Pritchett—he is the committeeman from that ward—do you know whether or not he is the one who furnished the names of the judges and clerks who were to act as such November 4, 1902?
"A. He did.
"Q. Now, were there any judges or clerks appointed to represent the Republican party who were not voters or appointed by the various committeemen whom you have named in the Twelfth Congressional district?
"A. No, sir.
"Q. These appointments were all made at the suggestion of the committeemen or under their indorsement?
"A. Yes, sir.
"Q. Now, if there were any changes made in any of the judges or clerks, by whom were these changes made in these various wards?
"A. The committeeman was notified, and he sent down a letter to the effect, with his signature attached to it.
"Q. And these appointments or changes were only made under these circumstances?
"A. Yes, sir."

Page 1511:

"Q. Judge Robert Walker, of the Fourth Ward, was particularly active in securing the appointment of his judges and clerks?
"A. Yes, sir.
"Q. That was true also of Pat Regan in the Twenty-third?
"A. Yes, sir.
"Q. And Mr. Slingman in the Fifteenth?
"A. Yes, sir.
"Q. These gentlemen made it their business to secure their own appointees?
"A. Yes, sir.
"Q. Mr. Regan is now engaged in the same position which you occupied prior or at the time of election, 1902?
"A. Yes, sir.
"Q. You succeeded Mr. Regan in that position when he became a candidate?
"A. Yes, sir.
"Q. So he had as much of a familiarity with the workings of the office of the election commissioners as you have possessed and acquired by being a member of the board of election commissioners' staff?
"A. Yes, sir.
"Q. Now, do you know how many members of this committee, or how many of these committeemen, were members of the city central committee of the Republican party prior to the primaries of October, 1902?
"A. Five, I believe—four.
"Q. Four? Will you name these four?
"A. John B. Owen, Louis Alt, Sligman, and Weinbrenner—I believe Pat Clark was, but I am not sure."

The majority of the committee say the voters in the several election precincts are not permitted to select their own judges, inspectors, and clerks of election, but these three election commissioners appointed by the governor are authorized to select for each polling place four judges and two clerks of election. It is now provided that two of the judges and one of the clerks shall be designated "by the minority commissioner. It requires, however, the concurrence of at least one of the majority commissioners to make this designation effective."

Does this majority of this committee intend to convulse the House with mirth when it suggests that the voters in the several election precincts are not permitted to select their own judges, inspectors, and clerks of election, and this report from a committee of the party that attempted to pass the force bill; and this report from a committee whose chairman comes from Pennsylvania?

The history of New York election laws under Republican administrations brightens the jewel of consistency in the crown which should be presented to the chairman who submitted this report.

The report sneeringly suggests that the concurrence of at least one of the majority of the election commissioners must make the "designation effective." Can the majority point out one syllable of evidence in the whole record to show any attempt upon the part of the Democratic members of the board of election commissioners to interfere in the selection of the Republican judges and clerks provided for each precinct?

On page 1536 the chairman of the board of election commissioners is asked by the attorney for the contestant:

"Q. What is the method or what was the method used with reference to the appointment of judges and clerks for the Republican and Democratic parties for the election which was held on November 4, 1902?
"A. The judges and clerks are recommended by the Democratic central committee for the Democrats, and by the Republican central committee for the Republicans. The Republicans are recommended by the Republican central committee and appointed by the Republican member of the board of election commissioners, subject to the approval of the board of election commissioners.
"Q. So that all the judges and clerks who officiated at the election on November 4 were recommended to your board by the committeemen of the various wards in which they served?
"A. Yes; without any exception whatsoever."

The next feature of this remarkable report of the majority of this committee is devoted entirely to an attack upon the registration in this Congressional district. A contemplation of the method by which a basis for this attack was laid in the proof will also appeal with great eloquence to this House as a demonstration of the character of fairness and judicial procedure which characterizes the effort to railroad Mr. Butler out of this House from the beginning of these proceedings to the end.

It is stated in this report that by far the greater number of names upon the official register were placed there at the board of election commissioners' office rather than at the various precinct polling places on the day regularly appointed by law for personal registration in the precinct. Says the report:

"A voter may upon a certain day register in the precinct in which he lives, but except upon that day registration must be made outside of the precinct, and in many cases outside of the Congressional district, at the office of the central board of election commissioners."

In this case the said office of the central board of election commissioners is in the very heart of the Twelfth Congressional district.

Perhaps in the hurry to secure the salary of a member of Congress for the contestant whom they believe to have been elected in this case they forgot the fact that the office of the central board of election commissioners is in the heart of this "very worst" portion of the city of St. Louis, as they have characterized it.

Says the report:

"SEC. 7238. Judges shall sign registry—registry to be sent to commissioners—commissioners to proceed—how lists public records.

"At the end of the last session provided for the said board of registration and said clerk shall compare and correct the registers aforesaid and make them correspond and agree; and said judges shall then, immediately following the last name on each page of the register, sign their names so that no other name can be added without discovery, and shall return the two registers to the possession of the election commissioners; thereupon the said commissioners shall at once cause copies to be made of such registers, of all the names upon the same, with the address, and arranged according to the streets, avenues, or alleys, commencing with the lowest number and arranging the same in order according to street numbers, and shall then cause such precinct register, under such arrangement, to be printed in sufficient numbers to meet all demands, and upon application a copy of the same shall be given to any person in such precinct. Said registers in the office of the election commissioners shall be public records and open to public inspection."

* * * * * * *

"Duly authenticated copies of all these printed precinct registers are found in the testimony of this case."

Upon this statement in the report is based all the further conclusions respecting fraud as alleged to have been developed by what was called the Owen scheme of returned registered letters. This Owen scheme was introduced in evidence on the last day of the five days of rebuttal allotted under the resolution of the House above set forth to the contestant for taking testimony in rebuttal of the testimony introduced by the contestee in the twenty days preceding.

It is true that the informative sheets referred to in section 7238 of the law above referred to were introduced in evidence in chief by the contestant, but the materiality of such testimony could not have appeared to any reasonable mind without the supplementary testimony of Mr. Owen and his scheme of exhibits until they were introduced. Any court, yea, even the court of a justice of the peace, would not have allowed the testimony of Mr. Owen and his scheme of registered letters and self-manipulated tabulation sheets to have been introduced in evidence without an opportunity for contradiction or full cross-examination by the contestee. To the introduction of this testimony the contestee registered all legal and possible objections.

The lists above referred to, which are marked "Exhibit C, of January 3, 1903, on the part of the contestant," and are made a part of the record in this case, were introduced on January 3, 1903, with the testimony of Louis P. Aloe, which appears on page 289 of the record. Mr. Aloe identified them as official lists of the registered voters of the various precincts, as issued by the election commissioners' office for the convenience of voters—official, however, only, as he afterwards stated, in the sense that they were issued by the election commissioners' office. He states that these sheets were printed from the verification lists which are prepared by the judges and clerks of election in the various precincts, as provided for by section 7233, which is as follows:

"SEC. 7233. *Verification lists—challenges.*—The election commissioners shall prepare and furnish to the board of registration in each precinct two blank books, to be known as 'verification lists,' each page to be ruled into columns and contain pages sufficient for each street, avenue, and alley in the precinct. During the progress of registration, or immediately thereafter, the clerks of said board shall transfer all the names upon the register to the left-hand pages of such 'verification lists,' arranging them according to the street, avenues, alleys, or courts, beginning with the lowest residence number and placing them numerically, as nearly as possible, from the lowest up to the highest number. They shall first write the name of such street, avenue, alley, or court at the top of the second column and then proceed to transfer the registered names to the pages of such 'verification lists,' headed 'Registered names,' according to the street number, as above indicated.

"If, during either day of registration, a registered voter of the ward shall come before the board of registry and make oath that he believes that any particular person upon such registry is not a qualified voter, such fact shall be noted, and after the completion of such 'verification lists' such board or one of said judges shall make a cross or check mark in ink opposite such name upon each of said 'verification lists.' If such judges shall, however, know that any person so complained of is a qualified voter, and shall believe that such complaint was only made to vex and harass such qualified voter, then such cross or checked mark shall not be put upon such lists. Said board of registration shall, before 8 o'clock on the following day, return said 'verification lists' to the office of such election commissioners." (New section.)

The above section is contained in the law of 1895 and is no part of the much-abused Nesbitt law.

It will be seen that these registration sheets, upon which the majority of the committee rests so much of their case, can not be said to have special verity or genuineness of character to be admitted as evidence of the actual legal registration in any court in the United States. It is not suggested that they have the color of verity in any degree, such as would examined copies or certified copies of the registration books.

They are not copies of the registration books. They are not even copies of copies of the registration books, but they are arranged from verification-lists, which verification lists are made up by taking the names of the registered voters from the registration books and arranging them by streets,

avenues, and alleys, commencing with the lowest street number of any voter registered from any street, etc.

As to the absolute unreliability of these registration lists, upon which the whole case of the contestant is founded, we have but to refer to the testimony of Louis P. Aloe, a Republican member of the board of election commissioners, contained on pages 289 and 290 of the printed record:

Page 289:

"Cross-examination by Mr. FROMBERG:

"Q. I will ask you, Mr. Aloe, whether or not Exhibit C contains the names of all the duly qualified voters of each precinct of the Twelfth Congressional district?

"A. I should say not.

"Q. Do you know of your own knowledge that names appear upon the registration books in various precincts of persons who are entitled to vote and whose names do not appear in Exhibit C?

"(Objected to as calling for a conclusion of the witness on a question of law.)

"Mr. FROMBERG. I ask of his own knowledge.

"A. I don't know that of my own knowledge. I should say it is quite likely.

"Q. In your opinion does that condition prevail?

"(Objected to as indefinite, irrelevant, and immaterial.)

"Q. I am asking you in your capacity of election commissioner.

"A. I would answer that by stating that it is most likely that a great many of those sheets are incorrect.

"Q. A great many of those sheets are incorrect?

"A. Yes, sir.

"Q. When you say a great many of those sheets are incorrect, what do you mean?

"A. Well, I mean this—that those sheets are published by us from the verification books prepared by the clerks acting in the precincts on a board of revision. They are an exact facsimile of the verification books as turned in to the board of election commissioners by the judges and clerks.

"Q. Then, how do you account for the surplusage of names of duly qualified voters appearing upon the registration books of various precincts?

"A. Incompetency upon the part of clerks as well as judges.

"Q. That is one of the conditions that exists?

"A. It does exist; yes, sir.

"Q. Do you know anything about the first precinct of the Twenty-second Ward, of the variances there between the lists and the registration books?

"A. Nothing to my knowledge."

* * * * * * *

"Mr. FROMBERG. What is the reason that these lists are prepared—uttered—as my friend Richey says?

"A. The purpose of the publication of the registration is generally understood to be for the guidance, first, of the—I should take it—the workers, to permit them to ascertain who is qualified to vote, and also for the benefit of citizens at large, that they may ascertain in advance that they are qualified.

"Q. But that instrument is not absolutely conclusive?

"A. It is not.

"Mr. RICHEY. Isn't it true that some of those sheets were uttered only the day before the election?

"A. That is true, yes, in several precincts of the Fourth Ward. On Sunday, two days prior to the election, the revision was still going on. They didn't go to the printers until late that particular Sunday afternoon. It is fair to presume that they didn't go to press until the day before the election."

We call the attention of the House specifically to the statement of the witness on page 1466, where the same witness states that the printed list (referring to the list in evidence) is the official printed list:

"It is not the official list, however, by which it can be determined whether or not a man is in fact a qualified voter."

On page 1466 the witness was asked:

"Q. In making the affidavit of the character which Mr. Conrad has made there, would your method be to depend on these printed lists for the purpose of giving information or on the original registration?

"A. Why, I would pay no attention to anything but the official register."

This testimony is corroborated by the testimony of John H. Stansberry, an assistant in the election commissioners' office, page 1454, as follows:

"Q. Are there any proofs submitted to the board of election commissioners of those lists, so that they can be compared with your books?

"A. None whatever.

"Q. There is never any verification, so far as this particular book is concerned, for the printed lists?

"A. No, sir.

"Q. The book is the official record of the individual voters of that precinct?

"A. Yes, sir.

"Q. And the printed list can not be an official record under any circumstances, can it?

"A. Never so considered as an official record.

"Q. I believe you have stated that there has been no comparison of the printed list with the registration book?

"A. No, sir; never has been.

"Q. There are no proofs ever sent from the printers to you before you get your sheets?

"A. No, sir."

Also the testimony of Louis Kunz, secretary of the board of election commissioners, on pages 1554 and 1555:

"Direct examination by Mr. WALSH:

"Q. Did you as the secretary of the board arrange for the printing of the lists of names which were given out after?

"A. The board arranged for the printing of those lists.

"Q. Do you recollect on what day the copy was given to the printers?

"A. Saturday. Started in on Monday. Started to send them down to the printers on the 20th of October. The last day of revision was on the 18th, that was Saturday, and some of the books came in Sunday, and some came in Monday, and some came in Tuesday and Wednesday.

"Q. Was that immediately after the books were returned to you that you forwarded them to the printer?

"A. Yes, sir

"Q. Now, did you subsequently take the printed lists received from the printers—did you get any printers' proof?

"A. We did not.

"Q. Did you ever at any time take those printers' lists and compare them with the registration books?

"A. We did not.

"Q. Do you know whether those printed lists were absolutely correct as to the registered voters in the various precincts?

"A. We found out since that they were not correct.

"Q. Your effort had been to make them correct, had it?

"A. We made no effort. We sent the books as made up by the clerks to the printer.

"Q. Well, it was your intention to get the lists correct—to get correct lists of the voters?

"A. Of the voters, yes, sir.

"Q. And you failed to do that?

"A. Well——

"Q. That was through no fault of the election board, so far as you know?

"A. Not a bit.

"Q. And you did not subsequently make any comparisons with the registration books?

"A. None at all.

"Q. Now, is there any other official record of the voters, the registered voters, than the registration books?

"(Objected to as asking the witness to decide a question of law.)

"Mr. WALSH. I am asking for a question of facts. The register of the voters in the office of the board is the only correct register. That is the book in which the voter in each precinct who desires to vote registers his name, isn't it?

"A. It is.

"Q. That is a record which is open at all times to public inspection in the office of the election board, isn't it?

"A. Yes, sir; and which book the people vote from.

"Q. And if any person comes to the office of the board of election commissioners and desires to inspect those books, are they permitted to do so?

"A. They are.

"Q. Is there any method, or any means, or any effort made to prevent an absolutely free inspection of the registration books at all times, or any time between the hours of 9 a. m. and 5 p. m.?

"Mr. RICHEY. An effort made by whom?

"Mr. WALSH. By anybody.

"A. No, sir.

"Q. Can anyone inspect those books who desires?

"A. Yes, sir.

"Q. Anyone who calls at the office of the board of election commissioners?

"A. Yes, sir; they are public records.

"Q. They are absolutely public records?

"A. Yes, sir.

"Q. With no limitations on an inspection?

"A. No, sir.

"Q. No fence or guards put around them; they are kept in a case, are they not?

"A. Yes, sir.

"Q. And a request must be made to inspect them?

"A. Yes, sir.

"Q. They are not out where anyone can get hold of them, are they?

"A. No, sir; they are in a row of cases like any books are kept.

"Q. On application to the clerk in the office the books are presented?

"A. Yes, sir.

"Q. And the only formality is an application for the book?

"A. Yes, sir; and while anyone is inspecting the book the clerk stands near to see that he does not strike off any names or tamper with the book.

"Q. To see that he does not tamper with the book in any way?

"A. Yes, sir.

"Q. The same method practically that is used in all places of record?

"A. Yes, sir."

The unreliability of these lists as evidence of the original registration books is further evidenced by the certificate of the secretary of the board of election commissioners, which is in evidence in this case, showing that 459 names of duly qualified voters were upon the registration book of Ward 22, precinct 1, whereas the informative sheet shows only 205, and also a certificate showing that in Ward 4, precinct 7, there were 670 names of duly qualified voters upon the original registration book in the office of the board of election commissioners, although these informative sheets show only 169.

But in spite of the above testimony, and in spite of the fact that these lists can not be said to be of any genuine import as vessels of truth as to what names were on the official registers, the majority of this committee, with all the mock solemnity of a Pooh Bah, declares that "duly authenticated copies of all these printed precinct registers are found in the testimony in this case." If these fugitive or informative sheets could be said to be "precinct registers" there might be some seriousness in the statement above quoted.

Taking these lists as a basis for operations, the majority proceeds to accept the contention of the contestant that because, forsooth, 25,179 registered letters were addressed to 25,179 persons whose names appear on these informative sheets which are alleged to represent the duly and regularly qualified voters in each of the 63 precincts which are in controversy in this case; because 12,608 of these registered letters were returned with indorsements thereon bearing the number of the letter carrier and notations indicating that the persons to whom these letters were addressed were not found at the address given; because 4,123 of these 12,608 voted at the last election, November 4, 1902, in the Twelfth Congressional district, and because 2,221 of these represent persons whose names did not appear in the directory of 1902, and for other reasons which the majority did not think important enough to state in the report, Mr. Butler should be deprived of his seat and Mr. Wagoner given a seat in this House.

The testimony is that this directory was canvassed for just one year previous to the time at which these letters were addressed to the persons whose names were on the printed lists.

On the face of each letter sent out is the direction of the sender to the mail carrier—"If not at this address, return at once."

The fact of this great variance, such as is exhibited by the certificate of the secretary of the board of election commissioners in the two instances above referred to, is seized upon as a veritable life saver by the majority of this committee in its attempt to extend a straw by which the contestant can survive the wave of popular disfavor which engulfed him in the election, and secure a seat for the remaining days of this session and the salary of a member of Congress.

"These exhibits," say the majority, "seem to present the highest evidence of fraud. No names could have been honestly placed upon the registration books after the public registry sheets were given out, except in a few cases of persons who, having been refused registration in their respective precincts, had appealed to the board of election commissioners.

"The testimony of the minority commissioner is to the effect that there were no more than 40 of such cases in the entire city of St. Louis, and in this Congressional district alone thousands of persons voted whose names were not upon the printed registration lists, and it now appears from the contestee's own testimony that in one of the precincts above mentioned less than half the names upon the registration books were down in the printed sheets, and in the other less than a fourth."

The majority brushes aside the probability, which is more than reasonable, that the variance is accounted for by the fact that these lists are made from copies of copies of the registration book by inexperienced men, selected for a day to perform the duty of judge and clerk of election. What a travesty it is for this majority to base its decision of this election contest upon the verity of these lists, prepared in such a manner. "But," say the majority, "these lists are official. They are ordered to be prepared by laws

and they must be prepared under the supervision of the election commissioners."

Was it ever intended by the law which directed the preparation and distribution of these sheets that they should be used in a court or before a body of this kind as evidence? Had it been so intended, the legislature would doubtless have provided the means for verifying and proving these lists by a comparison or examination in connection with the original registration books, but the majority, waiving aside all thought of the fugitive character of these sheets, proceeds to say that the variance between the number on the registration books and the number on these sheets shows "premeditated and deliberate fraud."

The minority simply submits that this conclusion—for it is nothing else and has no basis for its foundation—is adopted only for the purpose of combating fact with epithet and adjective. The majority say that they are not prepared to accept the conclusions which the contestant asks them to draw from his testimony.

"In a given case a man may have been lawfully entitled to vote, although his name did not appear in the city directory published some months" [the fact is, one year] "before the election, and he was not found by the letter carrier a few weeks after the election" [six weeks after the election]. "We therefore decline to cast out any particular vote or votes upon that ground."

How gracious of this majority when it concludes not to throw out any particular vote or votes upon that ground. But upon this very ground, upon the facts alleged to be developed by the Owen scheme of the registered letter and the directory, the majority of the committee propose to throw out "not any particular vote or votes, but the whole poll in 41 precincts."

Can it be determined from the report that the majority of the committee has any other evidence upon which to throw out the whole poll in these 41 precincts except that developed by the Owen scheme of tabulating returned registered letters, the directory, etc.? During the hearing of the case members of the committee insisted that counsel for the contestant submit and the chairman of the committee directed that he submit to the committee citations of the pages in the record and the names of the witnesses in whose testimony could be found proof of specific acts of fraud in each particular precinct which might be regarded as sufficiently vicious to permeate the whole result and warrant the committee in rejecting the whole return.

This counsel promised the committee to do. This he has never done, as not even the majority of the committee will deny. Is it not a reasonable inference for the minority of this committee to draw that it was beyond his power to submit such specifications outside of a few isolated cases in the record where the minority and the contestee admit considerable fraud and irregularity existed and which the minority believe can be segregated from the whole return and can be, and should be, rejected in making up the correct return in the case?

The Fourth Ward, ninth precinct, is a territory dearly beloved by the majority of the committee in this case. This is a precinct in which lived a candidate for constable. Members of this House know that candidacies for minor offices, even the unimportant office of constable, ordinarily engender bitter conflicts of clan, and render the maintenance of strict order almost impossible at times during the conduct of the voting in certain localities.

As to this precinct, the minority desire to say that they have not had the opportunity to examine all the testimony referring to it, but that they believe from what they have read that they would be justified in excluding the whole poll of that precinct from the return. It seems that the same can be said about Ward 4, precinct 1. This is the precinct in which the testimony tends to show unusual activity in securing registration by one William Lee.

Ward 4, ninth precinct, is the precinct in which one Snake Kinney, who has afforded considerable ammunition for contestant and for the majority of this committee, was active.

The minority of this committee feel that in declaring that these two precincts should be excluded they are following the dictates of fairness and the evidence adduced. While the testimony of the witnesses for the contestant has been attacked by the contestee and demonstrated beyond doubt, in the opinion of the minority, to be faulty and unreliable, and the witnesses to be of the most disreputable character—such as negro river roustabouts and fence-house keepers on the levees—and unworthy of belief, still the contestee failed to meet their testimony with sufficient reliable contradictory evidence.

The next precinct in which the whole poll is excluded by the majority is precinct 10, Ward 15. We have had no positive evidence pointed out to us by counsel for the contestant of any irregularity in this precinct outside of what is shown in the Owen registered letter and directory tabulation. On the contrary, we find the positive testimony of Judge of Election Steve Pensa, page 1732, that the election in that precinct was conducted honestly, fairly, and in an orderly manner.

The next precinct excluded from the poll is precinct 6, Ward 15. No citation of positive evidence of irregularity was furnished the committee by contestant's counsel and we find positive evidence of Election Officials William S. Wellman (page 1741) and Otto Bell (page 1747) as to the absolute fairness and regular conduct of the election in that precinct.

The next precinct excluded from the poll is precinct 10, Ward 14. No citation of positive evidence of irregularity was furnished the committee by contestant's counsel, and we find positive evidence of Election Official Michael Noonan (page 1709) as to the absolute fairness and regular conduct of the election in that precinct.

The next precinct excluded from the poll is precinct 6, Ward 14. No citation of positive evidence of irregularity was furnished the committee by contestant's counsel, and we find positive evidence of Election Official Charles Flecke (who was subpœnaed by the contestant, though not examined) as to the absolute fairness and regular conduct of the election in that precinct.

Of the remaining precincts excluded by the majority, which are precinct 5, Ward 22; precinct 4, Ward 14; precinct 2, Ward 14; precinct 5, Ward 13; precinct 12, Ward 7; precinct 12, Ward 6; precinct 8, Ward 6; precinct 8, Ward 14; precinct 1, Ward 22; precinct 11, Ward 14; precinct 4, Ward 23; precinct 9, Ward 22; precinct 22, Ward 22; precinct 7, Ward 22; precinct 3, Ward 6; precinct 4, Ward 5; precinct 2, Ward 5; precinct 7, Ward 4; precinct 6, Ward 4; precinct 4, Ward 4; precinct 3, Ward 4; precinct 7, Ward 5; precinct 2, Ward 4; precinct 12, Ward 23; precinct 6, Ward 5; precinct 1, Ward 5; precinct 9, Ward 5; precinct 13, Ward 22; precinct 3, Ward 23; precinct 5, Ward 5; precinct 1, Ward 15; precinct 12, Ward 24; precinct 5, Ward 4; precinct 3, Ward 5, the minority say that they have been unable to find anything in the testimony to justify the conclusion of the majority that the election was conducted in an irregular manner and that the polls of the several precincts were unworthy of belief and should be excluded. On the contrary, they find in 37 of the 41 precincts the evidence of the election officials in each of these precincts to be to the effect that the election in those various precincts was conducted in a regular and lawful manner.

The remaining precinct, which seems to have been a great boon to the contestant, was precinct 13, Ward 23. "The Butler stables," the majority say in their report, "are located in this precinct." Here the majority exhibit their usual amount of fairness in this case by quoting part of the testimony of John R. McCarthy, superintendent of the Excelsior Hauling and Transfer Company, which concern owns the stables referred to. The testimony of Mr. McCarthy is quoted below in toto.

This testimony proves that the Butler stables, so called, is an institution made the headquarters for several hundred employees of the Excelsior Hauling and Transfer Company. This testimony proves that these stables constituted practically the only home that several hundred employees of the company owning the stables had.

It is true these voters may represent a nomadic element, but under the law of the United States and the State of Missouri they were entitled to participate in the election of a Representative from that district, and the minority submit that a more deliberate attempt to disfranchise voters was never attempted than the expunging from the returns in this case the whole poll from precinct 13 in Ward 23.

Testimony of John R. McCarthy. (Pp. 2043-2047, record.)

"John R. McCarthy, of lawful age, being produced, sworn, and examined, deposeth and saith as follows:

"Direct examination by James J. Butler, Esq.:

"Q. What is your name?

"A. John R. McCarthy.

"Q. Where do you reside?

"A. 3418 Laclede avenue.

"Q. Have you any other place of residence that you occupy, Mr. McCarthy?

"A. Yes, sir; 3865 Forest Park boulevard.

"Q. Do you reside and sleep at both of these places?

"A. Yes; I reside at—I resided at 3865 Forest Park boulevard continually for about six years, up to within about a year and a half ago.

"Q. You still sleep there?

"A. I sleep now at 3418 Laclede avenue. I have a room over the office, and I occasionally sleep there at 3865 Forest Park boulevard.

"Q. What is your business?

"A. Superintendent of the Excelsior Hauling and Transfer Company.

"Q. Mr. McCarthy, as superintendent of the Excelsior Hauling and Transfer Company I will ask you to state where the stables of that concern are?

"A. You might call it the northeast corner of Vandeventer and Forest Park boulevard.

"Q. Northeast corner of Vandeventer avenue and Forest Park boulevard?

"A. Yes, sir.

"Q. What are the dimensions of that stable?

"A. I believe the correct dimensions are 200 feet front by 215 feet deep.

"Q. These are about the dimensions?

"A. Yes, sir.

"Q. Is it a one-story or two-story structure?

"A. Two-story.

"Q. Does the second story cover the complete area of the building?

"A. Yes, sir.

"Q. And has the same square footage as the lower floor?

"A. Yes, sir; the same thing.

"Q. What is the area of that building by square feet, if you know?

"A. Well, I don't know positively; I judge somewhere about——

"Q. Well, you say it is 200 feet front and 215 feet deep?

"A. I think that would make 430,000 square feet, or something like that.

"Q. Forty-three thousand square feet?

"A. Yes, sir.

"Q. I will ask you, Mr. McCarthy, to state what that stable is used for.

"A. Well, the lower floor is used for nothing but stalls—stall room. The upper floor—why, one corner we use for a little feed. We get our feed in there just as we use it. The rest of it—why, the men sleep there.

"Q. How many men are employed by the Excelsior Hauling and Transfer Company?

"A. We employ all the way from two close up to four hundred men. That all depends on the season of the year.

"Q. How many men do you employ in the summer time?

"A. In the summer time it all depends on the crop of vegetables. If we have a plentiful crop, we have close to 400 men.

"Q. Employed in the collection of garbage, and so on?

"A. Yes, sir.

"Q. How many men are employed there in the duller seasons?

"A. Well, they will run from 150 to 175, and so on.

"Q. How many men were employed by the Excelsior Hauling and Transfer Company on or about November 4 last?

"A. I could not say positively; something over two hundred.

"Q. How many of that two hundred sleep or make their lodging in that building?

"A. In fact, the most of them make their lodgings there. In fact, I induce them to do so.

"Q. You say you induce them to do so; why?

"A. Well, we turn out, as a rule, very early in the morning, and we require a lot of men, and by inducing the men and giving them a place to sleep, you always have men on hand. Then, again, we do other outside hauling that requires us to have men. Just, for instance, look at two weeks ago last Sunday in that snowstorm. I got an order for forty, or fifty, or sixty teams—whatever I could turn out—from the city—from Mr. Becker, of the street department—for teams to haul snow with. In cases of that kind the men come in very handy. Go out and try to find forty or fifty men through the town at 6 o'clock on a Sunday morning, and you will find it a very hard thing. In fact, you wouldn't be able to find them.

"Q. Then you will state that last November there was from 150 to 200 men sleeping around that stable?

"A. We have pretty near that many constantly the year round.

"Q. Do you know how many men were registered from that stable?

"A. I could not say.

"Q. Do you know how many men voted from that stable?

"A. I couldn't tell you that either.

"Q. Were you present on election day when any of the negroes from that stable were voting or went to vote?

"A. I was in the precinct when there were a few of the men voting there, and I was at the barn in the neighborhood of noon time, when a few of the men then were feeding their teams in the barn. They told me they were going over to vote.

"Q. Did you send any of these men to vote, or marshal any of their forces in any way?

"A. I never asked a man to go to the polls and vote.

"Q. I will ask you, Mr. McCarthy, as superintendent of that stable, in view of the fact that Mr. Udell and others have testified here that officers of that stable and company have had slips passed to negroes, and so and so, which they claim and allege contained the names of fraudulent registrations, is that true or not?

"A. That is absolutely false.

"Q. Were there any slips of any character passed to any men at that stable that day with the intention of fraud, fraudulent voting, or anything of that kind?

"A. As I say, there was not a slip to my knowledge, and I was around most of the day. In fact, we never made a practice of that. We never did do it. As I say, those gentlemen whom you have reference to, I don't know them. I seen them at the polls myself two or three times during the day, and conversing with the policemen within 5 feet of the polling place.

"Q. Do you know who they were?

"A. I understood, afterwards, Mr. Udell was one, and Ford Smith, the lawyer, was one of them.

"Q. You state positively that there were no slips issued that day to any of your men?
"A. No, sir; not a slip.
"Q. Do you know of any fraudulent registration of any kind whatever from that stable?
"A. No, sir.
"Q. Were there any slips, or anything of any character, handed to these men on that day?
"A. Well, the day before the election Mr. Archibald Carr, who was running for clerk of the circuit court, and Eddy Barnard, both Republicans, came over to the office and handed me, I judge, in the neighborhood of 300 to 500 each of their cards. I told them I would distribute them around or have the boy in the office distribute them. I never asked any of the men to vote, and I didn't care who they voted for.
"Q. Did you distribute any of these cards?
"A. No, sir.
"Q. Do you know if anybody else distributed any?
"A. I didn't see any distributed.
"Q. Did you ask them to distribute them?
"A. I asked the young man—the boy who attends to the 'phone—to distribute them.
"Cross-examination by Wm. M. Kinsey, esq.:
"Q. Mr. McCarthy, are you a Republican or Democrat?
"A. I am a Democrat.
"Q. Married or single?
"A. Married.
"Q. You now live at 3418 Laclede avenue?
"A. Yes, sir.
"Q. How long have you lived there?
"A. Close onto two years.
"Q. You say you sometimes sleep at 3865 Forest Park boulevard?
"A. Yes, sir; as I said, I slept there for six years, up until I married. I am only married a few years. When we were on early watches in summer time, when we got out at 1 or 2 o'clock in the morning, we slept there altogether.
"Q. Were you sleeping there last fall on the 4th of November, and prior thereto?
"A. No, sir; only on Sunday mornings. We turn out earlier on Sunday mornings than other days.
"Q. Were you a registered voter at the last election?
"A. Yes, sir.
"Q. Did you vote?
"A. Yes, sir.
"Q. What class of people are these men that work about this stable, white or colored?
"A. Colored.
"Q. All colored?
"A. Yes, sir.
"Q. They are men who live all over town, do they not?
"A. Well, most of them, as I say—the reason that I induce the men to stay there is that the majority of them, if they were not allowed to stay there, really would not have any home.
"Q. They live about town from one place to another, don't they?
"A. I couldn't say they live about town. I don't know of them even having a home.
"Q. Do you know that they have no homes?
"A. I couldn't say any more than the home they have there. They slept there with me. I slept there six years myself.
"Q. Are any of them married men, as far as you know?
"A. Well on pay night you would think they had a dozen wives. I have seen three and four come up and say they were the same man's wife.
"Q. They are muchly married, are they?
"A. Yes, sir.
"Q. These are all drivers of your slop carts and wagons?
"A. Yes, sir.
"Q. And what is called the poor class of labor, in the sense that it commands low wages?
"A. No, sir; we pay a fair wage.
"Q. I don't mean that—I say, it is a class of labor that commands a lower scale of wages?
"A. Well, they don't get an exorbitant scale; no.
"Q. They come and go from time to time?
"A. Yes, sir.
"Q. Your force is changing all the time?
"A. Yes, sir; in winter time, you know, we are forced to lay off some of the men, and they go away for two or three months and in the spring come back again.
"Q. Don't the force change all the time?
"A. No, sir; of course some of them change, like in any other business. I have some there eight and nine years.
"Q. How many?
"A. I guess a hundred or over; I could not say exactly how many; quite a number; in fact, the colored men consider the position a very good one.
"Q. You say these men, or a considerable number of them, sleep in the second story of this building?
"A. Yes, sir
"Q. How is that story fitted up?
"A. There are three rooms. We have three rooms in one corner of it, and the others run down between in regular aisles. There are cots.
"Q. Is it divided into rooms?
"A. No, sir.
"Q. What sleeping accommodations are there there?
"A. One big room there outside of the three rooms which we separate ourselves off from them.
"Q. That is the rooms you occupy yourself sometimes, and some others, employees of the company, who have separate rooms?
"A. Yes, sir.
"Q. They are partitioned off?
"A. Yes, sir.
"Q. Whatever persons sleep there sleep in the large room, do they?
"A. Yes, sir.
"Q. What accommodations are there?
"A. Those who wish to can buy their own cots and bedding. We allow them that privilege.
"Q. The company don't furnish beds?
"A. No, sir. We only keep a night watchman on that floor at nighttime.
"Q. So whatever beds, cots, or bedclothing they have they furnish themselves?
"A. Yes, sir.
"Q. How many men were doing that in that stable on November 1 last year?
"A. I could not tell exactly. I judge in the neighborhood of 200 men.
"Q. Do you mean that 200 men were sleeping there?
"A. Yes, sir.
"Q. Do you mean by that they slept there every night for some time prior to the election?
"A. Yes, sir.
"Q. For how long?
"A. I judge pretty near all the summer. We had quite a force on, and this was about the winding up of our season.
"Q. Did they sleep there every night?
"A. Pretty near every night; yes, sir.
"Q. Any women among them?
"A. No, sir; that is something we don't allow.
"Q. How many other places—stables—has the Excelsior Hauling and Transfer Company? I mean besides this one you mentioned.
"A. We have no other stable. We have places where we keep some of our stock once in a while, at what is known as the south factory of the St. Louis Sanitary Company.
"Q. You don't mean that all of your teams start out from one place in the morning to go over the entire city?
"A. Yes, sir.
"Q. They all leave this place at Forest Park boulevard and Vandeventer avenue?
"A. Yes, sir.
"Q. Are all of these people colored men who sleep there?
"A. Yes, sir. There is myself——
"Q. I mean excluding yourself.
"A. There are about two more white men.
"Q. Aside from yourself and those two other white men, all those who stay there and who were registered from there are colored men?
"A. Yes, sir.
"Q. Do you take any active interest or part in politics yourself, Mr. McCarthy?
"A. Well, I take a little.
"Q. What do you mean by a little? Did you see that the men in your precinct are registered? Did you do that?
"A. No, sir; I don't believe I ever asked a man to register.
"Q. Did you ever ask a man to vote?
"A. No, sir. I think that is the duty of every citizen to do that himself.
"Q. You never asked a man to register and never asked a man to vote?
"A. No, sir; knowingly, I did not.
"Q. The Excelsior Hauling and Transfer Company is a corporation, is it, Mr. McCarthy?
"A. Yes, sir.
"Q. Who is the president of it?
"A. Mr. John R. Butler.
"Q. Who are the other officers of the corporation?
"A. I don't know them.
"Q. Don't you know who the vice-president is?
"A. No, sir; I don't know if there is a vice-president.
"Q. Don't you know who the secretary is?
"A. No, sir; I think Mr. O'Connor is.
"Q. Don't you know who the treasurer is?
"A. No, sir.
"Q. Who the stockholders are?
"A. No, sir.
"Q. Mr. John R. Butler is the brother of Hon. James J. Butler, the contestee in this case?
"A. Yes, sir.
"Q. Where were you on election day, Mr. McCarthy?
"A. That would be a pretty hard question for me to answer. I am a pretty busy man. I am all over this town, you might say, especially the north part of the city. I was principally all over that ward that day, you might say, with the exception of two hours at noon time that I put in feeding.
"Q. What time did you start out in the morning?
"A. We start out to work every morning at 5 o'clock.
"Q. I am speaking of this particular morning.
"A. I left the barn, I judge, about 7, and went to breakfast.
"Q. Where did you go to breakfast?
"A. I went to 3418 Laclede avenue.
"Q. And from there you started out through the ward?
"A. Yes, sir.
"Q. That is, the Twenty-third Ward?
"A. Yes, sir.
"Q. And you didn't go back to the barn until about feeding time at noon?
"A. Yes, sir; I was back in the neighborhood of the barn, as I say, two or three times before dinner.
"Q. Well, what did you do in the afternoon?
"A. After I had dinner, I came in to feed my horse, and, as I said, stayed there about two hours, and went through, you might say, again. Mr. Clark, I met him. Him and I had several little conversations. I believe I met him about three or four times.
"Q. What Clark do you refer to?
"A. Pat Clark, the Republican committeeman of that ward.
"Q. Where did you meet him?
"A. At precinct 4, and I met him once in the morning at precinct 13. That is that precinct there. I met him at precinct 4 and met him and Mr. Regan at precinct 10, I believe it is, on South Compton avenue. Just as a person will on election day, I asked him how everything was, and he said everything was quiet and peaceable.
"Q. Then you were out through the Twenty-third Ward on that day principally in the interest of Mr. Butler, the candidate for Congress, were you?
"A. No, sir; I was out for the Democratic ticket.
"Q. And incidentally for Mr. Butler?
"A. No, sir; as I told you before, I am a Democrat, I don't stop for one man. I go from top to bottom.
"Q. Did you have any conversation with Mr. Udell that day?
"A. I don't know the gentleman at all. Just as I told you, these gentlemen were out there and at this precinct in the morning. They were there all day, in fact.
"Q. How far is the polling place from the stable?
"A. I judge about—the blocks there are awfully long, two numbers come in there together—I judge, in the neighborhood of 3½ to 4 blocks.
"Q. The blocks being long, how many feet would they be—1,500 feet?
"A. Yes, sir; they are all of that, I think.
"Q. When you saw these men were you at the barn or at the polling place?
"A. At the polling place. When I was standing in front of the barn I seen one of the gentlemen coming down Forest Park boulevard, on the opposite side. That street there is a very wide street, something in the neighborhood of 150 feet wide.
"Q. Are you a stockholder yourself in the Excelsior Hauling and Transfer Company?
"A. No, sir; I wish to God I was a stockholder in something.
"Q. I don't want to inquire into the private business of the company, Mr. McCarthy, but I would like to have you state about the average wages you pay.
"A. The lowest wages we pay is $40 a month, up to $80.
"Q. I am speaking of the men who drive the wagons.
"A. That is what I am talking about. No, $75; we have one man at $75 who drives a wagon.

"Q. The majority of them get about $40?
"A. Yes, sir; nothing less.
"Q. The higher-priced men who get about $75 are something like foremen, are they?
"A. Not exactly foremen; they are men whose value we have appreciated, who take care of their stock, etc. We always appreciate good men the same as any other business concern.
"Q. What territory do you have to cover in the summer time?
"A. Cover the whole city of St. Louis; the entire city.
"Q. The entire city of St. Louis?
"A. Yes, sir.
"Q. You know, I presume—it has been in evidence before—but I will ask you whether this company has a contract.
"A. Yes, sir; for the entire city of St. Louis.
"Q. For removing garbage?
"A. Yes, sir. We cover the whole, entire city, also including the World's Fair grounds. We have a special contract for that.
"Q. Is all of that hauled one place or more than one place?
"A. It is hauled two places.
"Q. One in South St. Louis and one in North St. Louis?
"A. Yes, sir; the most of it to South St. Louis.
"Q. What time, what number of hours per day, are your men required to work?
"A. Some of our men work six, seven, eight hours. Of course, where you have a great number of teams and men out, barring accidents, they never work over eight and a half or nine hours.
"Q. Eight or nine hours is the limit for a day's work?
"A. Yes, sir.
"Q. For the haulers?
"A. Yes, sir.
"Q. And the remaining of the twenty-four hours of the day belong to the men?
"A. Yes, sir. Well, there is a time in the morning taking care of their team, and in the evening coming home, and the men have their wagons to grease and harness to clean. That occupies some of the time.
"Q. Is that included in the eight or nine hours?
"A. I figure they are on the street from eight to nine hours. As I say, sometimes they are later. A wagon might break down, and take weather like this and try to clean some of the alleys in the west end of St. Louis they are liable to be there for a week if you don't go after them four or five times.
"Q. How many teams do you keep in South St. Louis, near the reduction works there?
"A. I couldn't state positively; I very seldom get to the reduction works in South St. Louis.
"Q. You include in the number of employees those that headquarter down there, do you not?
"A. None of them headquarter down there. These teams that stay there, the men come home with other men coming home at that time.
"Q. They leave their teams there?
"A. Yes, sir.
"Q. You have a place in North St. Louis where the same thing is done, where the teams are stabled and the horses taken care of?
"A. There are only very few——
"Q. There is a place where that is done?
"A. Yes, sir; but they only keep a few head of stock there, I believe.
"Q. Don't you know?
"A. I couldn't state positively, because we have nothing to do with that company; that is a separate and distinct corporation entirely.
"Q. You do the hauling of the garbage?
"A. Yes, sir.
"Q. You mean you don't do any of the reduction up there?
"A. No, sir; we just haul in there. The only time we keep any stock there is in the real warm weather; that is, simply to provide for any of our stock that may be very hot, or such as that. Then we pull our stock up into the factory there. They are obliged to keep the windows down, and it is very hot in there. We keep stock there to pull a wagon up the incline.
"Q. What months in the year do you consider your busy months?
"A. From the 15th of June to about the 15th of November or the 1st of December."

It is true that there is shown in the evidence instances where fewer ballots were found in the box than the poll books show to have been cast, and this is taken by the majority to be an evidence of fraud, and great stress is laid upon that particular fact in their report. They totally exclude from their guessing the possibility that defective ballots are not placed in the box but are directed under the law to be segregated and placed in envelopes and kept separate and apart from the remaining ballots when returned.

These envelopes are what are known as rejected-ballot envelopes. The evidence shows that no demand was made by contestant or his counsel for these rejected-ballot envelopes, by which the discrepancy between the number of ballots found in the box and the number of votes shown by the poll book to have been cast would have been accounted for.

The unreliability of the city directory as used in this case is demonstrated sufficiently by the fact that 41 per cent of the witnesses called by the contestant to sustain his contentions have not the honor to have their names entered in that book as residing at the addresses which they gave at the time this testimony was taken.

The minority submit here the testimony of Henry Smith, superintendent of the registry division of the St. Louis post-office (p. 1577), and Susan E. Austin, subpostmistress of the United States post-office at St. Louis (p. 1570), as to the reliability of this registered-letter testimony, without which evidence the case of the contestant must fall.

Their testimony is as follows:

"Henry Smith, of lawful age, being produced, sworn, and examined on behalf of contestee, deposeth and saith as follows:

"Direct examination by Mr. BUTLER:

"Q. What is your business?
"A. Superintendent of the registration division of the St. Louis post-office.
"Q. Do you remember of a number of registered letters being sent out by Mr. John B. Owens or others during the last campaign to various citizens of the city of St. Louis in the Twelfth Congressional district, with a notice to return to a Mr. Brushaire, or some such similar name, if the parties were not properly found?
"A. I know that one John Brushaire presented some 26,000 registered letters to be sent through the mails during the month of November some time.
"Q. Do you know John Brushaire?
"A. No, sir; I don't know him from Adam.
"Q. Was John Brushaire John B. Owens?
"A. Not to my knowledge.
"Q. Do you know to whom you gave the receipts for those letters?
"A. I don't remember the name of the party that got them, but they were sent on John Brushaire's order. The order to deliver was signed by John Brushaire. I have the order in my office.
"Q. You don't know him, you say?
"A. Don't know him.
"Q. Never saw him before?
"A. Not to my knowledge.
"Q. Would you know him if you saw him again?
"A. The party that the letters were delivered to?
"Q. The party that the letters were sent by?
"A. No, sir.
"Q. You were the party that received——
"A. No, sir; the clerk at the window received them.
"Q. Do you know what the modus operandi of the distribution of the registered letters of that character was; what the special orders?
"A. To let them take the regular course, the same as registered mail does in every particular. A registered letter is supposed to be received with the address and the name of the sender and the name and address of the addressee plainly written on.
"Q. How long is registered mail held for the parties for whom it is addressed?
"A. Thirty days, unless not otherwise specified. In this case it was specified to return at once. It was not the same as the usual registered mail. Any individual can put on a letter 'return at once.'
"Q. There was no time given—no one or two days, or anything like that?
"A. Just simply 'return at once.'
"Q. And in case the party was not found the letter was returned at once?
"A. Yes, sir.
"Q. Do you know what the rule is with regard to when a party is not found?
"A. If there is no specified instructions there is a card left for the person to call at the office. But if the instructions are that the letter must be tried—if not found to be returned to the sender at once—you must be guided by the discretion of the carrier.
"Q. What was the rule in this case?
"A. The request was complied with.
"Q. To return at once to the sender?
"A. Yes, sir. There was no discretion left with the carrier whatever to attempt to find the party later. The carrier was left simply to carry out his orders.
"Q. If he did not find the party at the first call it was returned at once? That was the order?
"A. Yes, sir.
"Q. Even though the letter carrier knew the party lived there, but was not at home, would the registered letter be left?
"A. No, sir; not unless there was an order there so that somebody could sign for it.
"Q. Isn't it a fact that if a registered letter was addressed to me at my residence—I believe I am fairly well known in the city of St. Louis—that even that letter would not be left at my address unless I had previously left an order there?
"A. Yes, sir.
"Q. Notwithstanding the fact that I had not been expecting a registered letter?
"A. Yes, sir.
"Q. What would happen then?
"A. It would be returned to the office and notice left that there was a registered letter there, unless the party that lived at that house stated that you would be in to-morrow at such and such a time during delivery hours. Then the carrier would bring it back.
"Q. If the party stated that I was not in the habit of being in at delivery hours, what then?
"A. Notice would be left at your house to call at the main office for your letter. The letter would be kept thirty days, unless otherwise specified.
"Q. In this case the specification was to return it immediately—no order to hold it at all?
"A. Yes, sir.
"Q. In the event of a notice being left and the party carrying the notice to the post-office, what then would be necessary in order to secure the possession of this coveted letter?
"A. They could not possibly get it if the party had called and it had been returned to them.
"Q. In case the letter was there, what would be necessary?
"A. They would have to be identified to the satisfaction of the delivery clerk?
"Q. In the event the person was not in a position to bring such evidence, he could not receive the letter?
"A. That is not the rule in all cases. If the person has any letters to show that they are the proper party they usually get them.
"Q. So this lady who has just testified here, who is a postmistress in the city of St. Louis and claims that about 2,000 of these letters went through her post-office, and says that she would not give any of them up to anybody unless they were positively identified by parties known to her, did she do anything which was contrary to the rules of the post-office?
"A. I am not responsible for her acts at all.
"Q. Is there any record kept in the post-office of the number of people who called for those letters and are refused on account of improper identification?
"A. None whatever.
"Q. Then it would be impossible for you or any of the post-office authorities to state how many of the so-called 25,000 registered letters which were sent out were called for and refused?
"A. Yes; the only ones we know about are the ones that were delivered.

"By Mr. Holtcamp:

"Q. In the event that a letter should be delivered, for instance, at Mr. Butler's house, would his wife be allowed to receipt for it?
"A. No, sir; not unless she had an order from him.

"Mrs. Susan E. Austin, of lawful age, being produced, sworn, and examined on behalf of the contestee, deposeth and saith as follows:

"Direct examination by James J. Butler, esq.:

"Q. What is your name?
"A. Susan E. Austin.
"Q. Where do you live?
"A. I have a place at 2834 Manchester and 2949 Garrison court.
"Q. 2834 Manchester?
"A. That is the store—the office.
"Q. You conduct a store there and a subpost-office?
"A. Yes, sir.
"Q. You are a postmistress of the United States?
"A. Yes, sir; I am superintendent of that station.
"Q. That is a subpost-office of the city of St. Louis?
"A. Yes, sir.
"Q. You were so commissioned on November 4 last?
"A. Yes, sir.
"Q. And later?
"A. Yes, sir.
"Q. Do you remember, Mrs. Austin, of a number of registered letters being sent out from your post-office, addressed to citizens, with postmarks on them, by Mr. Aldridge, I believe is the name?
"A. No, sir; no letters sent out under that name.
"Q. Sent by Aldridge?
"A. No, sir.

"Q. Do you remember any letters being sent out for political purposes of that character?
"A. Yes, sir.
"Q. What was the name?
"A. Breshaire.
"Q. Do you remember how many went through your office, if any?
"A. I can't say exactly; in the neighborhood of 2,000.
"Q. Do you know what the contents of those letters were?
"A. I can't tell what the contents were of all of them. I saw the contents of some of them.
"Q. What were the contents of the few you read or saw?
"A. Something about election purposes. I can't say.
"Q. Election purposes?
"A. I can't say.
"Q. Nothing of any value nor anything of that kind contained therein?
"A. Not that I saw.
"Q. It was a series of questions, was it not, asking them to give information about election laws?
"A. Yes, sir.
"Q. Was it?
"A. Yes, sir.
"Q. Do you know how many of those letters came back to your post-office, or were called for at your post-office, or how many were delivered from there?
"A. I can't say. The books will show.
"Q. Do you know there was a number of them?
"A. Yes, sir.
"Q. For which notices were left?
"A. Yes, sir.
"Q. Do you know how many were delivered upon notice? Returned?
"A. I can't say. I could tell if I had the books.
"Q. Do you know how many notices were brought to you of registered letters delivered at the house in which the parties failed—were not present—and that they brought the notice to you asking for the registered letter?
"A. About how many there were?
"Q. Yes.
"A. No, sir.
"Q. Do you know how many notices were brought that you refused to give letters to?
"A. No, sir.
"Q. Do you know that there were any?
"A. Yes, sir.
"Q. How many?
"A. I can't say.
"Q. There was a number of them that you know of?
"A. Yes, sir.
"Q. Why didn't you give the letters upon the——
"A. Because I didn't know the parties. They were not identified; did not identify themselves to my satisfaction.
"Q. And the Post-Office Department required that they should bring identification?
"A. Yes, sir.
"Q. Positive identification, with their notice of registered letters?
"A. Yes, sir.
"Q. And you would not give it to them under any other circumstances?
"A. No, sir.
"Q. You don't know how many so came?
"A. No, sir; I can't say.
"Q. You don't know what was the number of them; but there was a number?
"A. Yes, sir.
"Q. They brought notices to you and claimed that they were the parties?
"A. Yes, sir.
"Q. And you refused to issue the letters to them because they could not be identified to your satisfaction?
"A. Yes, sir.
"Q. Do you think it would be possible for you to identify many of the 2,000 persons to whom those letters were sent?
"A. No, sir; I could not; but they could bring some one. I gave them the privilege of bringing any of the merchants around there that I was acquainted with.
"Q. How many of the 2,000 to whom those letters were sent could you identify personally, if you know?
"A. I can't say that. Quite a good many. I have been in business nearly four years there.
"Q. How long were the letters held in your possession before being returned to the writer?
"A. Five or six days—some of them.
"Q. Wasn't there an order in this particular case to return them within two days?
"A. No, sir; return immediately.
"Q. You did not return them immediately?
"A. I couldn't. There was too many for the carriers to attend to.
"Q. Those that were returned to you as not delivered were returned to the writer, immediately, were they?
"A. Yes, sir.
"Q. There was no chance given to persons to come and claim them?
"A. Oh, yes; they were kept there five days.
"Q. Five days?
"A. Five or six.
"Q. After the carrier had failed to deliver them?
"A. No, sir; not all of them.
"Q. Not all of them?
"A. No, sir.
"Q. Were there any persons—did any persons come to claim the letters after the letters had been sent back to the original post-office?
"A. I couldn't say.
"Q. Do you know what became of their claim? Where they were referred?
"A. Down to the main post-office.

"Cross-examination by Mr. HOLTCAMP:

"Q. When these parties came to your office to call for these letters you were ready to deliver them if they had been identified by anyone there in the neighborhood?
"A. Yes, sir.
"Q. Anyone that you knew?
"A. Yes, sir.
"Q. And when they failed to do that—failed to bring anyone in the neighborhood there to identify them—you did not deliver them the letters?
"A. No, sir."

NOTE.—By consent of parties the signature of the witness to the above deposition is waived.

SUSAN E. AUSTIN.

Sworn to and subscribed before me this 3d day of February, 1903.
[SEAL.] PETER J. NOLAN,
Notary Public, St. Louis, Mo.

My term expires June 30, 1906.

The attention of the House is called to the fact that several hundred witnesses were called to testify as to the genuineness of their signatures to the petition of electors by which Mr. Wagoner secured a place upon the official ballot, and that over one-half of these witnesses testified that their signatures as attached to the petition were absolute forgeries; that they were signed without their consent and without their knowledge; that a large majority of the remainder of the witnesses testified that their names were secured through fraudulent representations, and that a great number of these were Democrats and testified that they voted for Butler.

The attention of this House is called by the minority of the committee to the fact that Mr. Butler's popularity with the colored population of this district is amply proven by the testimony of leading members of the colored race, including J. Milton Turner, ex-minister to Liberia under President U. S. Grant; Roma J. Raymond, a prominent colored Republican attorney of the city of St. Louis; George B. Vashon, a colored educator and journalist of the city of St. Louis, and C. C. Rankin, William Wilkinson, whose testimony is quoted as follows:

"J. Milton Turner (p. 1951): Direct examination by Mr. Walsh:
"Q. Where do you live?
"A. 1516 Goode avenue.
"Q. What is your age, Mr. Turner?
"A. Sixty years old.
"Q. What position, if any, have you occupied under the National Government?
"A. Well, I was special agent for the United States Revenue Service under Mr. Arthur's Administration. I was United States minister and consul-general under Mr. Grant's Administration, and Mr. Hayes's partly.
"Q. Didn't you hold some position in connection with the Cherokee matter?
"A. Well, I represented them in a claim against the Government, a very large claim, amounting to more than a million dollars.
"Q. How long have you been a Republican, or affiliated with the Republican party?
"A. From 1870 until the first election of Mr. Cleveland.
"Q. Have you had an opportunity for learning the sentiment of the colored people in the Twelfth Congressional district of Missouri?
"A. Yes, sir.
"Q. What has been your connection and affiliation with the colored people of the Twelfth Congressional district, and how long has this connection or affiliation continued?
"A. Well, I am a native of St. Louis, and of course became a voter in 1870, and I have had a close identification with the voters not only in the district, but all the districts of the State ever since.
"Q. What is and what was the sentiment on the 4th day of November, 1902, of the colored people of the Twelfth Congressional district so far as you were able to observe?
"A. Well, the negro people of that district ever since the last election of Mr. Pearce have been dissatisfied with the Republican party, in large numbers. At least two-thirds of them voted the Democratic ticket, and on the 4th of November they felt that they had additional reasons, because they had a personal liking, in large numbers, for Mr. James J. Butler, and they voted for him.
"Q. That was owing to the personal regard that they had for Mr. James J. Butler?
"A. Largely, and largely because of their utter dissatisfaction with the Republican party.
"Q. About what percentage of the colored voters of the city of St. Louis are residents of the Twelfth Congressional district?
"Mr. RICHEY. If you know about that?
"A. I can approximate it. Approximately between 3,000 and 4,000. Nearer 4,000 than 3,000.
"Q. Voters?
"A. Yes, sir.
"Q. What proportion does that bear to the colored voters of the city of St. Louis?
"A. Well, I should say that very nearly one-third—fully a third—of the negro voters of St. Louis, and possibly more, live in the Twelfth Congressional district.
"Q. Isn't it a fact that the larger colored settlements are contained in the Twelfth Congressional district?
"A. Yes, sir.
"Q. And where the greater number of the colored population actually center?
"A. Where they colonize. They live in little clusters, you know, and most of those are in the Twelfth Congressional district.
"Q. So that your approximation of about one-third is likely to be less than the actual number?
"A. Well, I wanted to be conservative in my expression. I am satisfied that it is less. To answer you, if you will permit me, there are about 9,000 registered negro voters in the city of St. Louis, and I expect nearly half of them live in the district.
"Q. Now, of that approximately one-half of the negro voters of the city of St. Louis, what proportion did I understand you to say supported Mr. James J. Butler and voted for him?
"A. Oh, I should think there are more than two-thirds. You see in Mr. Butler's election politics largely disappeared in that neighborhood. Very many Republican negroes expressed themselves to me, both before and after election, as desiring and having voted for Butler.
"Q. Mr. Turner, you are a colored man?
"WITNESS. I don't think I would be mistaken for a white man."

George B. Vashon (p. 1593):

"Q. Where do you reside?
"A. 2243 Oregon avenue.
"Q. You are a negro citizen and voter of the city of St. Louis?
"A. Yes, sir.
"Q. What is your business, at present?
"A. I am idle at present; I am not doing anything. Up to the first of the year I was inspector in the license department. Prior to that time I was assistant in the election commissioners' office. Prior to that time I was publishing a newspaper here in St. Louis.
"Q. Publishing a negro newspaper in St. Louis?
"A. Yes, sir.
"Q. Have you made yourself familiar with the politics and feelings of the colored people of the Twelfth Congressional district prior to the last election?
"A. Yes; I think I am pretty familiar with it.
"Q. Will you state, as nearly as you can, what the sentiments of the colored people in the Twelfth Congressional district were prior to the last election with regard to the Congressional candidates?
"A. I think, I am positive, that 90 per cent of the colored men in the Twelfth Congressional district were supporting Mr. Butler's candidacy for Congress; about 90 per cent of them. The reason I state that is this: For the last twelve years I and some number of other negro men—the number augmented in recent years—began making political proselytes amongst the negro men in the interest of the Democratic party and the Democratic nominee with more or less marked success. The first success we had, which exceeded our expectations, was in 1900, when Mr. James J. Butler was first nominated for Congress.

Negro men, with whom argument failed to cause to give any consideration to Democratic nominees before, came into the Democratic party and supported the ticket, and many of them supported him; a number beyond our expectations supported the entire ticket. They came practically en masse. After the contest resulted in his unseating we found that the number was further augmented. I can safely say that I consider 90 per cent to be an underestimation of the negro vote in the Twelfth Congressional district.

"Q. Heretofore the negroes have been voting the Republican ticket, have they not?

"A. To a greater or less degree. Now, when we began this campaign about nine years ago, in 1893, the first campaign, we only found 18 negroes that would stand out and out and be counted for the Democratic party.

"Q. A number of negro voters in St. Louis are now holding positions of trust under the government of the city of St. Louis, are they not?

"A. Yes; there are quite a number of them.

"Q. Under the Democratic government?

"A. Yes, sir. I don't think that was one of the moving reasons why they went into the Democratic party, or why they voted the Democratic ticket. Of course that is a consideration. It is with all men. When we first started the campaign in 1893 we found it was very difficult to convert a great many negroes that were bigoted in their political views to the Democratic party. We began on negroes who were not of voting age. Started the P. J. Pauley Club in 1894, and afterwards the Greely Club. Many of them became of age in 1895, 1896, and 1900, and in 1898 it blossomed out into an independent movement where they put up their own nominee for Congress in two districts—a man named Scott in the Twelfth district and a man named Dodge in the Eleventh district."

C. C. Rankin (p. 1596):

"Direct examination by Mr. BUTLER:

"Q. Where do you reside?

"A. 1714 Chestnut street.

"Q. You are a voter in the city of St. Louis—a colored voter?

"A. Yes, sir.

"Q. Negro voter, rather?

"A. Yes, sir.

"Q. Are you familiar with the sentiments and feelings of the negro population of the city of St. Louis politically?

"A. Yes, sir.

"Q. Do you know what the sentiments of the voting population, the negro voting population, of the Twelfth Congressional district were in the last campaign with reference to candidates for Congress?

"A. Yes, sir.

"Q. What were they?

"A. I think about 90 per cent of the negro voters were for James J. Butler for Congress; many of them voted for Mr. Butler and voted the Republican ticket as to the rest of the ticket.

"Q. You believe that to be a conservative estimate of the negro voters of the Twelfth Congressional district?

"A. Yes, sir; I do.

"Q. You are in a position to know the sentiment of those people?

"A. Yes, sir: I certainly am; I was amongst them enough during the campaign.

"Q. What is your position?

"A. Deputy sheriff.

"Q. Your position is of such a character as to bring you amongst them frequently?

"A. Yes, sir."

Page 1964:

"William Wilkinson (colored), of lawful age, being produced, sworn, and examined on behalf of the contestee, deposeth and saith as follows:

"Direct examination by Mr. WALSH:

"Q. Where do you live?

"A. 2634 Lucas.

"Q. What ward and precinct do you live in?

"A. Twenty-second Ward, tenth precinct, I think.

"Q. You have had some opportunity to learn the sentiment generally of the colored people in the Twelfth Congressional district, have you?

"A. Well, I don't know what you mean exactly.

"Q. As to their feelings toward the Congressional candidacy of Mr. Wagoner and Mr. Butler for Congress?

"A. I have heard some few people express themselves.

"Q. Do you know whether or not that sentiment was favorable to Mr. Butler?

"A. Yes; from all that I could learn, it seemed to be in favor of Mr. Butler.

"Q. What is your business?

"A. I am a barber.

"Q. And you are the proprietor or the part proprietor of a shop?

"A. Yes, sir.

"Q. Where is that?

"A. In the Commonwealth Trust building.

"Q. One of the large buildings of the city?

"A. Yes, sir.

"Q. Do you know of your own knowledge the general sentiment of the better class of colored people in the Twelfth Congressional district with reference to the candidacy of James J. Butler?

"Mr. RICHEY. He said he talked to some few of them.

"WITNESS. I can't say; I mentioned the fact that those with whom I came in contact had spoken very favorably of Mr. Butler.

"Q. You came in contact with a large part of the better class?

"A. I know quite a number; yes, sir."

Roma J. Raymond: Cross-examination by Mr. Walsh (p. 108):

"Q. Mr. Raymond, you are an attorney?

"A. Yes, sir.

"Q. A colored attorney, who occupies quite a position among the colored people and mix with the very best colored people in town?

"Mr. RICHEY. That is admitted on the part of the contestant.

"Mr. WALSH. I want to get it in the record. This precinct is largely peopled with colored people—on Morgan, High, Lucas, Eleventh, and Twelfth streets, isn't it?

"A. Yes. Well, not so much on Morgan as it is on Linden, Gay, Twelfth, and High.

"Q. And the population is what you might call in a general way dense, isn't it, as to numbers?

"A. In a way, yes, sir; I might. There is a large Italian vote there.

"Q. Yes; but there is quite a large colored population there?

"A. Yes, sir.

"Q. With many of whom, and in fact most of whom, you are scarcely acquainted, owing to the fact that your profession or business calls you away early in the morning and you return late in the evening?

"A. Well, that may be. Yes; I stated that.

"Q. You are familiar to some extent with the political condition which exists in which the colored people are largely interested in this city, are you not?

"A. Yes; I am.

"Q. Is it not a fact that the last few years there has been a marked defection of the colored vote from the Republican party to the Democratic party?

"A. Yes, sir.

"Q. Very noticeable?

"A. Yes, sir.

"Q. Is it not a fact that a large number of the colored people with whom you are acquainted are very strong and ardent supporters of Mr. James J. Butler?

"A. Yes; that is right.

"Q. Is it not a fact that many of those colored people have come out and openly avowed themselves as supporters of Mr. Butler, and actually voted for him?

"A. Yes, sir.

"Q. Those who have previously been Republicans and voted the straight Republican ticket?

"A. Yes, sir."

Page 110:

"Q. Have you any idea to what extent the negro voters of the Twelfth Congressional district supported the Democratic candidate for Congress, Mr. James J. Butler?

"Mr. RICHEY. I object to whether he has an idea. If he has knowledge of the fact I don't object.

"A. Well, I couldn't say that it is a fact; I couldn't base it on a fact.

"Mr. WALSH. Well, approximate from your knowledge.

"A. I should say about 70 per cent.

"Q. Seventy per cent of the negro voters supported James J. Butler for Congress.

"A. I think so.

Page 1968:

"Direct examination by Mr. WALSH:

"Q. Mr. Raymond, are you familiar with the sentiment of the colored people living in the Twelfth Congressional district with reference to James J. Butler, prior to the election of November 4, 1902?

"A. Well, to some extent; yes, sir.

"Q. Do you know from what you have learned from your connection with them what their attitude was toward the election of Mr. Butler prior to November 4, 1902?

"A. Well, I will say this, that the great bulk of them was greatly impressed with him; they were favorable to his candidacy, you might say."

It is submitted by the minority that while in the report in the contest of Horton *v.* Butler in the first session of this Congress page after page was devoted to a discussion of the pernicious activity of the police in the election of 1900, there is no censure contained in the present report of the activity of the police in the election of 1902. Only once during the argument did counsel for the contestant refer to the activity of the police, and that was to say that a general order had been given transferring patrolmen from the precincts in the neighborhood of their ordinary beats to precincts with which they were unfamiliar.

Men of affairs will recognize at once that this is an old and familiar measure, taken advantage of in all well-governed cities in order to secure fairness and impartiality in the conduct of elections, and had the majority of the committee seen fit to say anything concerning the activity of the police it would have been to commend the judgment which dictated such an order.

It is also submitted that while in the report on the contest for the seat from this district in the first session there were various references to the pernicious activity of contestee and persons nearly related to him in the election, in this report of the majority, in the argument of counsel, and in the record of the case there is not one syllable which in any way reflects upon the attitude of the contestee or anyone related to him during the campaign for the seat preceding the election of November 4, during the election, or since that time.

The minority of the committee submit that there may have been frauds in the Twelfth Congressional district of Missouri in the recent election, but it submits that there has not been pointed out to that committee, and the committee has not been able to determine for themselves, that such fraud is sufficient to vitiate the returns in such a large number of precincts as to give the seat to the contestant.

The minority feels constrained to believe that the majority has ridden roughshod over precedent, law, and orderly procedure in their endeavor to decide this case without sufficient consideration, and to seat a man by the power of a partisan majority who was not elected by the people of the district, and who was not even strong enough with his party to secure a party nomination.

The minority feel that they can not disregard the law that until the contrary is proved the contestee, armed with the credentials of the sovereign State of Missouri authorizing him to represent her on the floor of this House, is entitled to enjoy the rights and privileges of a member of this House until the contrary appears by legal evidence produced before the committee. That such evidence has not been produced before the committee the House and the country can determine without reference to the action of the partisan majority.

We therefore recommend the adoption of the following resolutions, to wit:

"*Resolved*, That George C. R. Wagoner was not elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is not entitled to a seat therein.

"*Resolved*, That James J. Butler was elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is entitled to a seat therein."

J. M. ROBINSON.
HENRY D. GREEN.
JOHN J. FEELY.

Mr. FOWLER of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SULZER, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 273) authorizing the Secretary of War to furnish the Hebrew Union Veteran Association with condemned cannon and cannon balls for a monument to be erected by the Hebrew Union Veteran Association to the memory of soldiers and sailors who lost their lives in the war for the Union and in the recent war with Spain,

reported the same without amendment, accompanied by a report (No. 3858); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. EDDY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 16945) to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota, reported the same with amendment, accompanied by a report (No. 3859); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 7123) for the protection of the public forest reserves and national parks of the United States, reported the same without amendment, accompanied by a report (No. 3860); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6689) for the protection of game animals, birds, and fish in the forest reserves of the United States, reported the same with amendments, accompanied by a report (No. 3862); which said bill and report were referred to the House Calendar.

Mr. MERCER, from the Committee on Public Buildings and Grounds, to which was referred the bill of the Senate (S. 7714) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, reported the same with amendments, accompanied by a report (No. 3863); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5369) granting an increase of pension to Charles R. Allen, reported the same without amendment, accompanied by a report (No. 3861); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MAYNARD: A bill (H. R. 17507) to provide for additional lighting service in the harbor of Norfolk, Va.—to the Committee on Interstate and Foreign Commerce.

By Mr. LATIMER: A bill (H. R. 17508) to provide certain souvenir medallions for the benefit of the Thomas Jefferson Memorial Association of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. DE ARMOND: A concurrent resolution (H. C. Res. 93) requesting the President to obtain certain information—to the Committee on Foreign Affairs.

By Mr. MOODY: A resolution of the legislature of Oregon, relative to lands in eastern Oregon—to the Committee on the Public Lands.

Also, a resolution of the legislature of Oregon, relative to the bill S. 4530—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BURGESS: A bill (H. R. 17509) to refund $105 to the Lavaca County National Bank for currency burned—to the Committee on Claims.

By Mr. BURTON: A bill (H. R. 17510) to remit a penalty imposed upon the Lawrence-Williams Company—to the Committee on Ways and Means.

By Mr. PADGETT: A bill (H. R. 17511) for the relief of the estate of Andrew Roberts—to the Committee on War Claims.

Also, a bill (H. R. 17512) for the relief of the estate of William B. Smith—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOREING: Petition of citizens of Burnside, Ky., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. CONNELL: Petition of M. D. Lathrop and others, in favor of the bill to forbid the sale of intoxicating liquors in all Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, resolutions of the Paint Grinders' Association of the United States urging legislation to empower the Interstate Commerce Commission to establish uniform freight classifications and freights—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Board of Trade of Scranton, Pa., favoring liberal laws for Alaska—to the Committee on the Territories.

By Mr. COUSINS: Petition of S. S. Dillman Post, No. 342, Grand Army of the Republic, Department of Iowa, favoring a service pension bill—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolutions of the New York State convention of Universalists, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. GRAHAM: Petition of the Independent Tobacco Manufacturers' Association of the United States, favoring the passage of House bill 16457—to the Committee on Ways and Means.

Also, resolution of the American Protective Tariff League, New York City, in relation to reciprocity—to the Committee on Ways and Means.

Also, letter of Edwin C. Dinwiddie, legislative superintendent American Antisaloon League, in reference to the Army saloon or canteen—to the Committee on Military Affairs.

By Mr. GREENE of Massachusetts: Resolution of the Trades League of Philadelphia, in favor of legislation to encourage the building of American ships by American labor through the payment of subsidies—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Department of Massachusetts, Grand Army of the Republic, urging the passage of House bill 14105, giving preference to honorably discharged war veterans in appointments—to the Committee on Reform in the Civil Service.

By Mr. GROSVENOR: Protests against the passage of House bill 16457, to amend section 3394 of the Revised Statutes of the United States, relating to tobacco, from the following: Luchs & Bro., of Washington, D. C.; F. W. Wagener & Co., of Charleston, S. C.; J. J. & J. E. Maddox, of Atlanta, Ga.; Hurff & Haines, of Bridgeton, N. J.; Gildehaus-Wulfing Company, of St. Louis, Mo.; J. & B. Moose, of Chicago, Ill.; Oakford & Fahnestock, of Peoria, Ill.; Frank Kuhn & Bro., of Philadelphia, Pa.; Aug. Nasse, of St. Louis, Mo.; Waples Platter Company, of Dallas, Tex.; Meyer-Schmid Grocery Company, of St. Louis, Mo.; J. W. Cooper, of St. Paul, Minn.; Miliken-Tomlinson Company, of Portland, Me.; J. N. Pike, of Lynn, Mass.; Arthur Knecht, T. C. Spears, and E. E. Martin, of Cripple Creek, Colo.; H. D. Lee Manufacturing Company, of Salina, Kans.; A. Goldberg, of Scranton, Pa.; Voight & Winter Company, of Cincinnati, Ohio; Gilbery Grocery Company, of Portsmouth, Ohio; C. S. Morey Mercantile Company, of Denver, Colo.; Fort Smith Wholesale Grocery Company, of Fort Smith, Ark.; Lehmann-Higginson Grocery Company, of Wichita, Kans.; Joseph A. Stern & Bro., of Erie, Pa.; T. R. Savage, of Bangor, Me.; Waples Platter Grocery Company, of Denison, Tex.; L. W. Davis Tobacco Company, of Norfolk, Va.; Frings Brothers Company, of Wilmington, Del.; Augusta Grocery Company, of Augusta, Ga.; Charles Gross & Co., of Philadelphia, Pa.; S. Guckenheimer's Son, of Savannah, Ga.; H. L. Spencer Company, of Oskaloosa, Iowa; Johnson & Murray, of Utica, N. Y.; M. Fersts, Sons & Co., of Savannah, Ga.; McCart-Christy Company, of Cleveland, Ohio; Austin Burrington Grocery Company Branch, of Lansing, Mich.; Eldridge & Higgins Company, of Columbus, Ohio; George F. Young & Bro., of Providence, R. I.; Coghill & Kohn, of San Francisco, Cal.; Tracy-Avery Company, of Mansfield, Ohio; Wulfing Grocery Company, of St. Louis, Mo.; Stoddard, Gilbert & Co., of New Haven, Conn.; Estabrook & Eaton, of Boston, Mass.; National Grocery Company, of South Bend, Ind.; Savannah Grocery Company, of Savannah, Ga.; Wichita Wholesale Grocery Company, of Wichita, Kans.; Parkhurst Davis Mercantile Company, of Topeka, Kans.; Loudon & Co., of St. Louis, Mo.; The Weideman Company, of Cleveland, Ohio; Jackson Grocery Company Branch, of Jackson, Mich.; Musselman Grocery Company, Lemon & Wheeler Company, Clark-Jewells Company, Woodhouse Company, Worden Grocery Company, Judson Grocery Company, and Daniel Lynch, all of Grand Rapids, Mich.; Bloch Brothers Tobacco Company, of Wheeling, W. Va.—to the Committee on Ways and Means.

By Mr. HAMILTON: Petition of General Thomas Post, No. 362, Grand Army of the Republic, Baldwin, Mich., in support of House bill 17103, relative to homestead rights to public lands—to the Committee on the Public Lands.

By Mr. JACK: Petition of the Woman's Christian Temperance Union of Orangeville; Young People's Society of Christian Endeavor and Presbyterian Church of Slatelick, and citizens of Waterville, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. JOY: Resolutions of Rabbi Izchok Lodge, No. 132, of St. Louis, Mo., Order of B'rith Abraham, asking for an amendment

to the immigration laws—to the Committee on Immigration and Naturalization.

By Mr. KAHN: Resolutions of the Chamber of Commerce of San Francisco, Cal., in favor of House bill 17147—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the same, favoring an increase of the United States Navy—to the Committee on Naval Affairs.

By Mr. PADGETT: Paper to accompany House bill 5209, to correct the military record of Alexander Bennett—to the Committee on Military Affairs.

Also, affidavit to accompany House bill relating to the claim of William B. Smith—to the Committee on War Claims.

Also, affidavit to accompany House bill relating to the claim of Andrew Roberts—to the Committee on War Claims.

By Mr. REEDER: Resolution of the annual convention of the Kansas State Temperance Union for restriction in the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. RICHARDSON of Alabama: Petition of citizens of Jackson County, Ala., for the relief of G. M. Hawkins and others—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of Diamond Medicine Company, Buffalo, N. Y., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SMITH of Arizona: Protest of certain taxpayers and residents of Arizona against cession of that part of Arizona north of the Colorado River, near westerly boundary of Arizona, to the State of Utah—to the Committee on the Territories.

By Mr. SULZER: Petition of Independent Tobacco Manufacturers' Association, in favor of House bill 16457—to the Committee on Ways and Means.

By Mr. YOUNG: Petition of Independent Tobacco Manufacturers' Association, in support of House bill 16457—to the Committee on Ways and Means.

Also, resolution of the American Protective Tariff League, in relation to reciprocity—to the Committee on Ways and Means.

SENATE.

THURSDAY, *February 26, 1903.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It is approved.

FIRST CUSTOMS CONGRESS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, relative to the proceedings of the First Customs Congress of the American Republics, held at New York in January, 1903.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 25, 1903.*

CONDITION OF LABOR CLASSES IN HAWAII.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioner of Labor, transmitting, pursuant to law, a report upon the commercial, industrial, social, educational, and sanitary condition of the laboring classes of the Territory of Hawaii; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

SCHOONER TABITHA.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Tabitha*, Daniel Gould, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

BRIG POMONA.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Pomona*, Reuben Coffin, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ORDER OF BUSINESS.

Mr. McCUMBER. Mr. President, I wish to give notice at this time that immediately at the close of the morning business I shall move to proceed to the consideration of House bill 3109, the pure-food bill.

Mr. WARREN. This morning?

Mr. McCUMBER. Yes, sir.

Mr. WARREN. I ask the attention of the Senator from North Dakota to the notice which I gave yesterday, that I would ask immediately following the morning business to take up half a dozen small House claims bills which it is necessary to have passed to-day in order that they may receive the attention of the Executive and be duly referred to the departments for report before approval or disapproval.

Mr. McCUMBER. The notice does not appear upon the Calendar.

Mr. WARREN. It was given, nevertheless. It is in the RECORD.

Mr. TILLMAN. We did not hear the statement of the Senator from North Dakota. The notice is for what time?

Mr. BLACKBURN. Immediately after the morning business.

Mr. TILLMAN. To-day?

Mr. McCUMBER. This morning.

Mr. SPOONER. What are the claims bills?

Mr. WARREN. They are House bills paying claims of a few hundred dollars each which, as is the case with all claims bills, must go from the White House to the various departments for investigation and return before they can be considered.

Mr. SPOONER. Are they bills which have already passed the Senate in a former Congress?

Mr. WARREN. A part of them have and a part of them have not.

Mr. SPOONER. They are bills reported by the Committee on Claims?

Mr. WARREN. They are bills reported by the Committee on Claims, and they are all House bills.

Mr. SPOONER. Are they Court of Claims bills?

Mr. WARREN. Some of them are Court of Claims and some are miscellaneous. They are mainly miscellaneous.

The PRESIDENT pro tempore. The regular order is the presentation of petitions and memorials.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the legislature of Arizona, remonstrating against the annexation to the State of Utah of all that portion of the Territory of Arizona lying north and west of the Colorado River; which was ordered to lie on the table and to be printed in the RECORD, as follows:

TERRITORY OF ARIZONA, OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA, *Territory of Arizona, ss:*

I, Isaac T. Stoddard, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of house memorial No. 2 of the twenty-second legislative assembly of Arizona, which was filed in this office the 20th day of February, A. D. 1903, at 9.40 o'clock a. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed my official seal. Done at the city of Phoenix, the capital, this 20th day of February, A. D. 1903.

[SEAL.]

ISAAC T. STODDARD,
Secretary of the Territory of Arizona.

To the Senate and House of Representatives of the United States:

Your memorialists, the twenty-second legislative assembly of the Territory of Arizona, respectfully represent that—

Whereas a bill is now pending before the Congress of the United States providing for the annexation to the State of Utah of all that portion of the Territory of Arizona lying north and west of the Colorado River; and

Whereas the legislative assembly of the State of Utah has recently sent commissioners from that State to secure, if possible, the assent of the legislative assembly of the Territory of Arizona to such annexation; and

Whereas the members of this legislature, having carefully investigated the matter and being fully advised, declare that the territory sought to be acquired by the State of Utah from Arizona comprises an area nearly as large as the State of Massachusetts; that it is rich in mineral resources, containing vast areas of valuable timber and grazing lands, and thousands of acres of land that can readily be brought under cultivation by a system of water storage and irrigation; that said tract is of inestimable value and importance to the Territory of Arizona as a source of revenue and a field of industry and husbandry; and

Whereas the said tract is traversed from east to west by the Grand Canyon of the Colorado River, the most marvelous and majestic of all nature's handiwork, of world-wide fame, and which has always been peculiarly and exclusively an Arizona endowment:

Therefore, your memorialists respectfully declare that the people of the Territory of Arizona, through the members of their legislative assembly, are unalterably opposed to the annexation of any portion of said tract to the State of Utah, and earnestly protest against the enactment by Congress of any measure designed to accomplish such purpose, and request that the domain of Arizona be protected by Congress against the proposed unjust and indefensible encroachment by the State of Utah.

That the secretary of the Territory be directed to forward one copy of this memorial to the President of the Senate, one copy to the Speaker of the House, and one copy to our Delegate to Congress.

THEODORE T. POWERS,
Speaker of the House.

EUGENE S. IVES,
President of the Council.

I hereby certify that the within is a true copy of house memorial No. 2.

CURT W. MILLER, *Chief Clerk.*

Filed in the office of the secretary of the Territory of Arizona this 20th day of February, A. D. 1903, at 9.40 a. m.

ISAAC T. STODDARD,
Secretary of Arizona.